

**North Oaks City Council  
Meeting Minutes  
North Oaks City Council Chambers  
May 14, 2020**

**CALL TO ORDER**

Mayor Nelson called the meeting of May 14, 2020, to order at 7:00 p.m.

**ROLL CALL**

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

Present: Mayor Gregg Nelson. Councilmembers Rick Kingston, Marty Long, Kara Ries, and Katy Ross.

Staff Present: Administrator Kevin Kress, Attorney Bridget Nason, and Administrative Assistant Gretchen Needham.

Others Present: Videographer Maureen Anderson.

A quorum was declared present.

**APPROVAL OF AGENDA**

Mayor Nelson noted an amendment to the agenda, which is to read the Pledge of Allegiance into the record.

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

**PLEDGE OF ALLEGIANCE**

Mayor Nelson read the Pledge of Allegiance.

**DISCUSSION AND REVIEW OF CODE OF CONDUCT/CIVILITY**

**a. Memo on Civility/Code of Conduct**

Councilmember Long apologized for his conduct, stating that it was unbecoming for a Councilmember of many years.

Administrator Kress read information from the Memo given to the Council which stated: As you know, we recently received a complaint form regarding concerns of the Code of Conduct being violated at several of our meetings. Since that time there have been a variety of Memos outlining different strategies and situations for self-reflection and self-regulation. A role model is more than someone you look up to and admire. It is someone who can help you unlock your potential by showing you what is possible and providing examples of how you should or should not behave. He also expressed to the leadership team that members should strive to preserve, protect, and enhance the present and future of the community and to be the best role models, coaches, and mentors possible. He stated this has always been his top priority as a leader, coach, mentor,

and City Administrator, and that it should also be the top priority of all members of the leadership team. He also requested the Council to consider the following to be the guiding principles, noting that he feels they are extremely important and should be focused on at every meeting moving forward: Be direct; get to the point and lay out facts and reasons behind your viewpoint. Be specific; be honest and thorough in your feedback to fully clarify your viewpoint. The more clarity there is, the better it will be received. Plan the conversation; think about what you are going to say and how it will be received. Watch your language; be sensible of your presentation. You are in the public eye, and people expect you to be leaders of the community. Offer a solution; clearly explain your viewpoint and reasons you think are beneficial and offer suggestions to improve. Manage your emotions; have a conversation in an even tone and keep it professional. He noted this is often the most challenging piece of any conversation. When emotions start to take over, remind yourself that the more you are in control of your emotions, the better you will be at delivering your viewpoint and the better it will be received. Be empathetic; think about the other members of your leadership team (Council, Staff, consultants) and give them time to process their emotions. Do not downgrade anyone on the leadership team; we are all in this together. Allow others to ask questions; this helps us process the discussion and clarify details that will set our direction for policy movement going forward. He stated the document goes on to describe to the leadership team the review of the Code of Conduct and as members of the leadership team they have agreed collectively to hold themselves accountable. He asked whether members are following these rules and what we can do better moving forward. He asked members to self-reflect on the Code of Conduct and be honest on whether or not they thought they were following these and ways they could improve. He posed a few questions for the Council to think about and some feedback: Think about what is being presented; does it add value to the conversation, does it aid in the discussion? Is what I am about to say going to trigger a negative response? Is what I'm going to ask relevant to the discussion or have we already discussed it? Does what I'm saying or how I'm responding preserve, protect, and enhance the present and future of the community or does it put the Council in a poor position and give ammunition to local news outlets and publics to question this? Am I being a good role model, coach, and mentor by asking the question or making the statement? Will it put the City under the microscope, damage the image of the City, and create a lack of civility, drama, or poor behavior? He stated that those are all good questions to think about as the Council moves through any discussion. He also discussed relationships between the City Administrator and the rest of the leadership team. Work for win-win – strive for consensus and seek common ground. Honor “discussions” before “decisions” – reserving making formal motions until discussions have taken place. Disagree agreeably and professionally. Share information and avoid surprises. Approach the business of governing in a professional manner – conducting business in a way that brings honor to the institution of government. Praise in public; criticize in private. Work together as a body, modeling teamwork and civility for our community. He also posed questions that impact an effective relationship: Not understanding/appreciating/respecting each other's roles. Differing philosophies. Differing personalities. Challenging issues. External pressure from the media, community groups, employee organizations, etc. He added a few items about the perception of the community and of the individual councilmembers and items that build civility and trust: organizational reputation; value to the community; personal reputation; community pride and confidence. As he read from the document, he reminded everyone to conduct themselves at Council meetings in a professional/businesslike manner: even on very controversial topics with greatly varying opinions, the Council deliberation can be and should be "businesslike" and

professional. While it may be more entertaining (possibly from a reality TV perspective) to see Councilmembers and citizens yelling and having temper tantrums, it gets in the way of thoughtful deliberations and only tends to lower the respect for the Council and City in the eyes of the constituents. He concluded by saying Councilmembers and the Administrator need to make creating, supporting, and sustaining relationships a high priority. If made a high priority, the odds of success are great. Remember that your service on the City Council is a unique honor that has been bestowed on you by your fellow citizens. While it is often a challenge, with inherent difficulties, someone needs to do it, and the community has selected you for that responsibility. You have been selected to serve in a professional and honorable manner during good times and bad. Your service on the City Council will be over soon enough. Conduct yourself in a manner that will allow you to look back with pride – not only for what you accomplished, but also the way in which you conducted yourself, which will likely be remembered the longest. He discussed options the Council has if a member(s) believe the Code of Conduct has been violated. For example, the Council could hold a hearing and ask questions of the individual(s) on whether they perceive themselves to be outside of the Code of Conduct. He suggested that if a member is believed to have violated the Code, they be given the opportunity to speak and explain their point of view. Members should be careful with the questions they intend to ask. These scenarios can backfire quickly, and multiple members may become under fire for previous displays of poor civility. Tempers can run high, and this creates damaging effects for the City's image. Ask to understand and listen intently; remember the guiding principles. In many cases, these types of discussions are better held outside of a Council meeting between the City Administrator and whomever is perceived to have violated the Code. Realistically, the Council is limited on the amount/type of disciplinary action available if there is an instance requiring Council discussion and/or action. In most cases, if there is a hearing, it is generally between a Councilmember and one of the Staff members. It is very rare for the Council to hold a hearing to discuss any conduct among themselves. He discussed examples of discipline. First: host a hearing to discuss the matter (often better suited for a workshop setting). Sometimes this makes the matter worse and other members of the leadership team are questioned on their own conduct both during the hearing or on events that previously happened. Second: an opportunity should be made available for a member that appears to have violated the Code. They should be given the opportunity to acknowledge and apologize for stepping outside the Code. Members that believe a breach has occurred need to be mindful that their own comments to the individual may also constitute a breach or lack of civility. Third: the Council could draft a resolution acknowledging the lack of civility, the change desired, the behavior that was unsavory, etc. Fourth: the Council may ask that the individual resign but can't force an individual to resign. He noted that members need to tread with caution in this area, as it will be perceived negatively all around and gather unnecessary media attention. He also does not believe in most cases this is appropriate for members to ask. If someone feels strongly about this, it is better suited for a private conversation. It is ultimately up to the individual(s) if they believe this is the best option. He reviewed the recommended actions and noted there is limited opportunity for the Council to discipline a member for failing to comply with the Code of Conduct. All members should understand that self-regulation is required and to remind each other when civility appears to be lacking. If there is concern over something happening at or during a Council meeting, members need to understand it is at that time a Point of Order should be raised by either the Mayor or member(s) of the Council. It is very important that you respect when such a question is raised and you be respectful in dealing with the concern. If tempers or emotions are

running high, call for a recess or adjourn the meeting if necessary. Be mindful of the guiding principles and the Code of Conduct at all times.

Mayor Nelson thanked Administrator Kress for looking into the matter and providing guidance in order to help facilitate better meetings. He noted, given the very controversial issues Councilmembers have dealt with, by and large the Council has done pretty well, although there have been some exceptions. He said the Council wants to continue to make good efforts.

Councilmember Ries noted there has been some media coverage in this particular situation. There have been two formal complaints filed against members. She thinks it is the Council's obligation and responsibility to address these issues. She asked Administrator Kress to help the Council deal with complaints that are filed and formal actions.

Administrator Kress stated it is quite rare to receive a formal complaint. It brings it to the attention of the Administrator and City Council. As far as dealing with individual complaints, he took it upon himself to reach out to any members that were indicated in the letter to walk through all of the scenarios that were involved. In some cases, the tape was watched; in most cases there was discussion about what could have been done differently or what should be done differently moving forward. He said it is a poor image upon the Council and generally does more harm than good because tempers start to flare. It also gives another opportunity for the media and public to scrutinize what the Council is doing. If the Council felt very strongly about it, they could draft a resolution, but in most cases, he has already addressed the issue(s) with whoever was involved in the complaint. Even with the resolution, it is only a public statement. It is not going to change the fact that something happened. It might not even change the fact that it could happen again. In almost every case, it is typically between a Councilmember and Staff member, where they need to step in and censure the individual from interacting with a member of the Administration.

Mayor Nelson asked if there was a motion. Otherwise, he would move on to No. 5.

Councilmember Ries noted Administrator Kress had somewhat addressed the issue in terms of options the Council could do. She asked Administrator Kress if he had ever had the experience of bringing in someone from the outside to look at a situation.

Administrator Kress stated that he had. He said there are a number of things that can be done. In this case he reached out to a fellow colleague, a gentleman he considers to be his leadership coach, and involved him with several members of the Council to walk through different situations. He said he would not state the gentleman's name at this time, but he is a local Mayor and has a good understanding of how Councils work and has a vast amount of experience in dealing with different and challenging Codes of Conduct. He stated if he does not see conduct and civility improve, he intends to have this person meet individually with all members of the Council outside of a public setting.

Councilmember Ross asked Attorney Nason if she has had any experience with this issue in other cities.

Attorney Nason said she has not had experience of this nature. She assisted with an issue for another client a few years ago where there was a motion, a vote, and a resolution to censure a Councilmember for particular behavior. There was not a hearing; there was Council deliberation and direction regarding preparation of a resolution censuring that individual. It was voted on eventually by the City Council. She noted there are limited options when the Council wants to address situations such as censuring. It's more of a formal action stating a position as opposed to having any practical implication or practical impact. In other words, there is no way, by vote of the Council, to remove someone from office.

Councilmember Kingston said, as he reads the document, he thinks it is very good and that Administrator Kress put a lot of thought into putting something in black-and-white. One of the challenges that people run into in these kinds of documents is, one, oftentimes it is a judgment call. In other words, not all breaches are created equal. In the examples of discipline, it is assuming someone has actually done something that rises to the occasion of some type of disciplinary action. He likes the idea about going to somebody outside of the City because it is someone outside of the City; people within the City are sometimes much more charged and believe things are much more egregious than others that are coming into it from an objective, independent view. He thinks it is good to go over the Code and give specific examples and get outside input. In the end, it is going to be a self-regulatory process; each member needs to hold themselves up to as high of a standard as possible. If someone is not particularly excited about a way a particular item was handled, he does not have any problem with getting feedback from people. He wanted to point out that often these matters are judgment calls. Somebody may take offense to something that other people think was perfectly executed and done in good faith, and so forth. He wanted to get that information out as the Council works with the document and process moving forward.

## **DISCUSSION ON CITIZEN COMMENT PROCEDURE/OPTIONS**

### **a. Memo on Public Comment**

Administrator Kress said he recently questioned the Council on the likelihood or flavor for the Public/Citizen Comments. He displayed a Memo and said, as part of the Memo, he outlined that Staff recently eliminated a few items on agendas due to the inability to incorporate them. When the City Council first started using Zoom, they did not have the capability to run a webinar platform, so they took off the Citizen Comments and Pledge of Allegiance and tried to limit any ordinances or resolutions that could wait until later and hopefully an in-person meeting. A citizen/public comment period is purely voluntary by the body and is not required by law that it be conducted. If the Council does desire a Citizen Comments section, he suggested creating some procedures/rules/guidelines. The Council has several options they may want to consider. The first option is to host a Citizen Comments section at the beginning of the meeting with a set of procedures/rules/guidelines that govern what is expected. Having the comments at the front could potentially add to discussion items later in the agenda. However, most comments should be deferred to Staff or consultants for review at a later date. It is typically recommended to never answer any question/statement made by the public at the time it is made. Having comments at the front may also be detrimental if the questions or statements are negative and received poorly by the Council. This sets a negative atmosphere from the start of the meeting, and members of the Council may display a poor attitude if any were/are offended by any statements/comments.

The Council needs to be mindful that meetings are intended to be for “business” purposes; and they need to balance citizen comments with the idea that members are here to set and direct policy decisions and act on business-related responsibilities, and allowing citizen comments may divert the Council from their business-related responsibilities. An example of this would be allowing comment throughout the meeting after citizen comments has been accepted. Another example would be receiving repetitive comments or statements that do not afford the Council an opportunity to take any type of action. The second option is to host a Citizen Comments section at the end of the meeting with a set of procedures/rules/guidelines that govern what is expected. This can sometimes be perceived negatively if those wishing to present public comment have to wait until the end of the meeting. This option is generally utilized with the understanding that any comments are deferred to Staff and consultants for potential action in a future meeting. This assumes the comment relates to some type of action the Council may take. If the comment is a statement that doesn’t afford any action, this may be a more appropriate solution. This is also considered by some Councils to afford action on business-related items first. This opinion varies depending on what the goal or reason for allowing citizen comment is. Keep in mind, the Council is elected to make decisions on policy and procedure and were given the responsibility to act on behalf of their constituents. The third option is to not offer any citizen comment at meetings. The only comments received should be part of any necessary or desired public hearings. The Mayor also has the option to allow for citizen comment if someone raises their hand. This option is used by a number of cities for a variety of reasons. In some cases, it is utilized because the comments received were derogatory and harmful to individual Councilmembers, Staff, or consultants. In other cases, the option is utilized because the comments being received could have easily been emailed to Staff or Council; a phone call could have been made to deliver the comment. He said some cities require that comments be emailed on letterhead to City Staff or the Mayor. Some choose to read these comments at the meeting or include them as reports at the end of the meeting. This option is also used on occasion because the City isn’t required to receive citizen comments. The idea is that the Council is elected to make decisions on behalf of the residents, and it is their responsibility to make business-related decisions. In some cases, there are no citizen comments because there have been instances where personal attacks have been made, such as Councilmembers or Staff have been harassed, followed home, surrounded in parking lots, etc. He said he had some questions for the Council to consider: Is the Council concerned about the amount of time citizen comment requires as part of the meeting? Is the Council concerned about receptiveness of questions raised? Is the Council concerned that the comments made are derogatory or set a negative mood/atmosphere? Is the Council concerned that the comments made do not allow for any action to be taken and that they could have been submitted outside of a meeting? Does the Council want questions about items on the current agenda, not on the current agenda, or both? Does the Council want a form to be filled out prior to submittal/delivery of citizen comment, meaning all comments would be requested to be in writing in advance of the meeting? Where does the Council align in terms of the options available, and why? He noted he gave the Council three options, but that does not mean that those are all that are possible. What type of procedures/rules/guidelines would the Council like to use if citizen comment is utilized? He noted there are a couple samples of the guidelines that are typically on the agenda. He said he would like to focus on some examples of Rules of Conduct for citizen comments, and he directed Councilmembers to pages 10-11 where he listed a sample. He noted the document says: “North Oaks City Council encourages public input at appropriate and scheduled times. To ensure all have an opportunity to speak and to allow

the conduct of business, the City Council has established the following participation rules. These rules apply to all City of North Oaks public meetings; failure to comply may result in expulsion from Council Chambers or meeting rooms: Unless permitted, everyone should remain seated, not block any doorways, and not enter the space forward of the speaker's podium, and no movement of chairs is allowed. Speakers shall not make personal attacks, air personal grievances, make political endorsements, or make political campaign statements. Audience members shall not engage in disorderly conduct including loud, threatening, or abusive language; whistling; clapping; stamping of feet; repeatedly waving of arms, or other disruptive acts or gestures. All demonstrations that disrupt or impede the orderly conduct of meetings are prohibited. Photographs, audio, and video may be taken from any available public seat in the meeting room near the rear. The activity shall not be conducted in a manner that disturbs or disrupts the audience, speakers, or Councilmembers, or otherwise disrupts the Council meeting. Animals are prohibited in the Council Chambers except for trained service animals as defined by state and federal law. The Mayor or Chair has the following responsibilities for maintaining the order of all meetings and has power to do the following: issue a verbal warning to a person violating these rules; exclude a person from the remainder of a meeting if, after a warning, a person continues to violate the rules; recess or adjourn the meeting for safety reasons. Repeated violations of these Rules of Conduct may result in the exclusion of a person from future City Council meetings for a time period specified by the City Council." He stated the Staff recommendation is to discuss the available options and questions posed and determine if there is interest in any of the three options. Once an option has been chosen, decide on the guidelines/procedure/rules.

Mayor Nelson thanked Administrator Kress for reviewing the options and noted some cities do not have citizen comments and some do; some are at the beginning of the meeting and some are at the end of the meeting.

Attorney Nason reiterated Administrator Kress' statement that it is not a legal requirement to have a citizen comment portion of the meeting. She believes it is common to do so and all of the cities her firm represents have some type of citizen comment opportunity. Every Council makes a different policy decision: first, if they want to allow citizen comments; second, how long they want them to go, it is common to see a 3- or 5-minute time limit; third, if the Council wants to have any restraints on what the citizen comment portion of the meeting is for. For example, some cities will say it is an opportunity to discuss things that are not on the agenda, and Staff will be directed by the Council to do any necessary follow-up. In those cities, typically the Council has a practice of allowing citizen comments on every agenda item. Other Councils will take the position that citizens are allowed to speak about anything on the agenda or not, but it is limited to a 3-minute period; there will be no back-and-forth with the speaker; Council will direct appropriate Staff to follow up on any comments raised during that Citizen Comments period. She reiterated it is a policy decision of the Council, as far as how they would like to handle it.

Mayor Nelson said one of the things he has noticed in the 10 or so years he has been on City Council is that the nature of citizen comments has changed appreciably in the last couple of years. There are repeated comments on the same issue over and over again and they are about issues already in front of the City Council but may not be on the agenda that particular meeting. In his view, citizen comments are to bring to the Council's attention items that citizens believe

are not being noted and that should be noted, or on new issues. That has not been happening in the last couple of years. Instead, the same people are speaking about the same issues over and over again. He would like to ensure that other residents of the City also have an opportunity to speak. He suggested that if people had a comment to make, they could submit it in writing and it could be appended to the meeting minutes that are available on the website after the meeting. If the Council then wants to hear from someone that submitted a written comment that seems of interest which is an item new to the City Council, they can be invited to the next meeting to comment more and give the Council more information. He is trying to give other residents of the City of North Oaks an opportunity to speak.

Councilmember Ries stated she finds the citizen comments at the beginning are very important for discussion purposes; and as elected officials, listening to them is one of the Council's main obligations. She asked what better place to be listening to them than when everyone is meeting together and they are able to discuss and field questions. At that point the Council could decide if they wanted to add the item as an agenda item for the next meeting or if further discussion needs to be addressed at that point. She thinks the residents have done a really good job so far of respecting the time limits and acting respectfully when they come to the podium and discuss things. She finds the citizen comments to be a critical part of the meetings. She likes them at the beginning because then the agenda can be changed, added to, or organized in a different manner if certain comments need to be addressed. She would like to talk about keeping the citizen comments at the beginning of the meeting to be a tone-setter for the meeting. Although she does not know if that is to be decided right now, that is how she is leaning.

Mayor Nelson said the tone-setting issue is one of the problems. He noted the City Council typically does not act on citizen comments during the meeting.

Administrator Kress asked Councilmember Ries what her perspective was on having citizen comments written in advance of the meeting.

Councilmember Ries said that it is okay, but a lot of times Councilmembers ask questions when there are citizen comments, rebuttals, or follow-ups. She would like to have it live because then she can clarify things on the spot and there can possibly be Council input on the spot; that cannot be done with writing. She finds that citizen comments -- when the person is able to interact, ask questions, and talk to Councilmembers directly -- is very important. She also noted the Council sees a lot of the same people, but there are recommendations that large groups of people have one representative to basically present so the Council does not hear the same things again and again. Residents in the community with these issues have been very good at organizing and putting forth one representative. That is very good because the Council hears it one time and it is more concise.

Administrator Kress asked Councilmember Ries to give her perspective on the other two options on the table.

Councilmember Ries said that sometimes when it is at the end, it is too late, the issue has been decided. She said it is nice to put it at the beginning because then people feel like they have spoken, gotten their word out. They also do not have to wait for the whole meeting and so it is

respectful for them, too. She would err on the side of having it, particularly in the COVID-19 era, where the Council is doing things electronically. It is one more way the public can be included and hear from the public when meeting electronically or dealing with issues. She would prefer to have citizen comments at the beginning.

Councilmember Long stated he also likes citizen comments at the beginning as long as the tone is respectful and it follows the guidelines that Administrator Kress has put forward. He would like the comments in writing, as it will help the Council understand what they are trying to point out or bring to the Council's attention. It is really nice to know who is up there: their name, address. He thinks it is important that if they are coming to the podium, the Council has something in writing. It helps in follow-up and it helps Staff. He said it is not asking much to get an email.

Administrator Kress asked Councilmember Long his opinion on the other two options.

Councilmember Long said he does not want citizen comments to go to the end and he thinks it is important that the City Council have citizen comments.

Administrator Kress noted that when the next person speaks, they give their opinion on all three issues so there can be a full-spectrum analysis of it.

Councilmember Ries suggested to Administrator Kress that he look at the last 12 months of meetings and do an analysis of how long the citizen comments lasted. From her recollection, she did not think the Citizen Comments sections go terribly long, at least not in the last few months.

Administrator Kress agreed to do so.

Councilmember Ross stated she thinks it is important for the Council to hear from residents before meetings and she likes the way it has been done all of these years. There have been times when there has been something on the agenda and someone got up to speak and the Council's comment was that it was going to be discussed and the individual could stay and listen. She said it is important and that it is the Council's responsibility to listen to the people that have elected them. She wants to see it at the beginning of the meeting rather than the end. She does not think it would work for the Council to not take any comments at all because it looks like the Council is not interested in hearing from its constituents, which sends a bad message to the community.

Councilmember Kingston said he would like to break it down into different areas when Administrator Kress was talking about the different options. Number one, beginning or end of the meeting. Second, a Code of Conduct for the public that they adhere to when discussing an item. Third, recording or getting written comments. As far as beginning or end, he knows members have stated they like it at the beginning. The problem with citizen comments at the beginning is that sometimes the Council meeting can be hijacked with information the Councilmembers have not had a chance to vet yet. He referenced Councilmember Ries' comment that it gives them a chance to change the agenda. He stated he does not want the agenda to be changed; there is a specific agenda that was put in place. Staff has studied the agenda and there are issues before the Council, the Councilmembers have thought through the

items, and they are attending the meeting to deal with a topic. He said it is an unnecessary distraction to have somebody come and throw a wrench in it and it makes it difficult for the Councilmembers to do their job. In addition, people should not be discussing things that are not on the agenda. It is supposed to be an opportunity to discuss something that is not on the agenda that evening so it can be taken back to Staff and addressed at a further time. He thinks that having it at the end of the meeting is more appropriate. As far as that being an inconvenience for people, freedom is not free. The Councilmembers are all there. He would like to think they would like to see how government operates and they can show up and listen to the deliberations. It may be the first meeting they have attended. It does not ring true with him to say that the Council should make it so easy for them that they can just come in, make a comment, and leave. He wants them to actually participate and listen to what is going on. He reiterated that the Councilmembers are all there; they are volunteers and are spending their time and energy to represent the community. If someone feels strongly enough about something that they want to bring it to the Council, it seems like they could show up at a meeting and sit and listen to what the members do as a Council. As far as the Code of Conduct, it is reasonable. The Council does not want anyone coming up and attacking individuals, whether they are other citizens, people on the Council, Staff, etc. If citizens want to make comments, that is reasonable. As far as the recording, he thinks it is important that citizens put something in writing. It memorializes what the citizen came to the meeting for. It is easier for people to go back in the meeting minutes and they can see it attached and have a full record of exactly what they presented. He thinks that is positive. If there are questions about what was presented previously, a tape does not have to be pulled, no one has to go on the web and try to find the spot where they talked about it; the comments are there. He would like to see more comments than less. He thinks sometimes citizens come in with really good information. He referenced the Citizens United petition with Jim Bower and said Mr. Bower did an incredible job of putting all of the information into a very comprehensive document that was put into the record as far as how the Council took the action it took. He thinks the Council should give people the opportunity to say their piece and have it entered into the record for future reference. Also, he thinks there should be comments. He thinks it is important that Councilmembers hear what people have on their minds, especially if it is something that is not supposed to be on the agenda to begin with. If someone wants to comment on a particular issue taking place during the meeting, the Council has the option to call on them if necessary or if people want to do that. He said the Council often deviates from citizen comments. Sometimes someone in the audience has a particular piece of information they can bring to the table, and the Mayor or someone else calls on them and asks them for information, which helps the Council. Citizen comment is an important part of what the Council does, the Council needs to hear from citizens, and he wants to make sure what the citizens bring to the Council is adequately recorded. He noted if the meeting minutes are 50 pages long, he does not care. He thinks it would help the Council a lot in terms of getting the tone and tenor of what was being presented by that citizen.

Mayor Nelson indicated there may be a couple of misunderstandings based on some comments made. North Oaks' tradition with citizen comments is to allow citizens to comment on items that are not before the City Council that evening. The Council does not respond to the comments and they are referred to Staff. As Administrator Kress noted, that is the best practice. When he talks about citizen comments as they used to be, people would bring things to the Council's attention so the Council could act on them after they were vetted and when it is appropriate. What the City

Council is having instead is, repetitive citizen comments by the same people on the same issue, which is the development. That is not appropriate citizen comments. The Councilmembers know the development is an issue. He suggested having citizen comments that bring individuals in front of the Council that have issues that are not known to the Council previously.

Councilmember Ries noted Councilmember Kingston brought up some good points. She said Citizens United was initially addressed at citizen comments at the beginning of the meeting, and she found that was very helpful because they could ask questions when needed. She noted it went through a couple of public hearings as discussed with the representative; but that was a successful result, and she thinks that is a good example of where it was at the beginning of the meeting. Another good point is that the Council gets to see the resident, their reaction, and interact with them if needed. She cautioned against putting them at the end of the meeting. The issue may have been addressed or it could have been an agenda item. She added there are times in their meetings when they do not open up discussion to the public. If it is on a public hearing, they are not required to. If there is a vote where it says something like, "It's going to be at the end," perhaps the Council should open up the Citizen Comments to ensure the Council does have citizen feedback when discussing issues before taking a vote. It might be helpful to ensure the Council gets the public's response and input. She thinks writing does not capture it enough; it is two-dimensional. If people take the time to show up at a meeting and are well-prepared, even though Mayor Nelson may not want to hear it for the fifth time, this is their backyard, this is the development, and it is very important to them. The City needs to give them the opportunity to express themselves and the Council needs to make sure they are listening to them.

Mayor Nelson said he appreciates that it is their backyard and the people that speak are individuals that have property adjoining the development, so he understands their perspective. That does not necessarily represent the rest of the community, which is what he is concerned about, that no one else is being heard. He stated he is not trying to stop citizen comments; he is saying they can do better than what they are doing right now. He is not against having citizen comments at the beginning of the meeting, but he wants to keep it so that the Council is hearing citizen comments that address something that the Council can take under advisement and then act on the following month or have Staff respond to. He thinks written comments preceding the meeting are helpful to Staff as well.

Councilmember Long asked Administrator Kress to weigh in after he heard what the Councilmembers' sense is, as far as his direction to the Council at this point.

Administrator Kress stated it sounds like the general consensus is to leave the Citizen Comments section at the front. He noted the Council could take a hand vote on that before a formal motion to gauge the Council. He asked would everybody be respectful and understanding if the Citizen Comments section were at the top of the agenda, yes or no.

Mayor Nelson said he is okay with comments at the beginning or end of the meeting. He is trying to control how it is dealt with so other individuals have an opportunity to speak as well.

Councilmember Ries said she would like comments to be at the beginning. She thinks the Council adheres to a pretty good controlled standard where everyone gets time and the Council

usually does not respond. It has worked traditionally and she does not really want to mess with it right now, so keep it at the beginning.

Councilmember Long stated he is fine with the beginning. He wants the comments in writing because, as Councilmember Kingston said, it would be nice to have it in the minutes so it can be found and have Staff work with them if the Council wants. He also does not want the broken record over and over again. If the Council has heard from them, the Council should allow others to come forward. There is a limited amount of time, and if it is the same repeated concern and the Council has addressed it, he thinks it is over.

Councilmember Ross said it is good that they are upfront and that she would like to keep them that way. It would be great if they could give the Council something in writing so it could be used for the minutes, although she does not necessarily think that should be required.

Administrator Kress indicated he remembered Councilmember Kingston's point of view on that issue so he would not ask him again. He stated he would ask for a second gauging on whether the Council would like to entertain having it in writing and presented publicly. He said they know Councilmembers want citizen comment upfront. The second question is, does the Council want to require or suggest that their comments be in writing in advance of the meeting.

Councilmember Long stated that he would like to require comments in writing.

Mayor Nelson said he would like to require a written submission and, if appropriate, the Council can ask that person to speak. In other words, the City Administrator could do that, or the City Council can decide whether they want the citizen to speak the following month. He said there certainly should be written submission so the Council does not have what they have right now.

Councilmember Ries said she would leave the writing portion of it as voluntary. If people show up, that is a pretty big gesture. She asked wouldn't it already be captured in the minutes because the minutes are now being transcribed. She does not understand what the added benefit would be.

Administrator Kress stated the request was to have a written submission in advance of the Council meeting, so typically he would have it when he sends out the Council packet. The Council, if they have questions, can call that individual directly or they can direct himself to ask follow-up questions to facilitate the discussion.

Councilmember Ries clarified that it would be for the benefit of each Councilmember's personal preparation. She noted if the City Council is adhering to their tradition where they don't take any vote or make any decisions, she did not know what the advantage would be except for hearing them. She would leave the writing portion of it voluntary.

Administrator Kress indicated the City Council has mixed feelings about that issue, but right now it would be in favor with a 3-to-2 vote. He suggested talking about the Rules of Conduct and engaging the Council for setting some rules for citizen comment, which is on pages 10-11 of the document.

Councilmember Long asked if it would be the City Administrator's task to make sure they are adhering.

Administrator Kress said it is actually the responsibility of the Mayor initially, but it is also the responsibility for Councilmembers. For example, if the Mayor does not catch lack of civility or conduct, two members of the Council can raise a Point of Order that the Mayor can act on to either stop the discussion, give a warning, etc. Typically, it is the Mayor's responsibility to listen and understand that if somebody starts to get derogatory or attacks somebody, that would be a good case for issuing a warning. If the problem persisted, more than likely they would be asked to leave the building.

Councilmember Long clarified that it would be clearly explained they are not acting in accordance to the Code of Conduct.

Administrator Kress said that Councilmember Long was correct. He asked the Councilmembers to look at the sample set of guidelines for Rules of Conduct and to give their perspective.

Mayor Nelson asked Administrator Kress if the Rules of Conduct for citizen comment apply to the audience in general in addition to the citizen comment period, or if that is a separate set of rules.

Administrator Kress said that it does talk about people sitting out in the crowd, too. He noted if there was any whistling, hand-waving, or disruptiveness, a Point of Order could be raised and the individual could be given a warning.

Mayor Nelson stated he supports the rules as they are. He asked if any other Councilmembers had a comment.

Councilmember Kingston stated he agrees with the Rules of Conduct and that it is important.

Mayor Nelson noted the Council is okay with the Rules of Conduct.

Administrator Kress stated if that is the set of Rules of Conduct Councilmembers prefer, it is getting very close to a motion being called. He noted it sounded like a majority of the Council wanted citizen comments at the front of the meeting. He suggested two separate motions to gauge the whole Council. There would be a roll call regardless. The first motion would be whether or not the Council wanted citizen comments at the front of the agenda.

**MOTION by Long, Ries seconded, to continue having citizen comments occur at the beginning of Council meetings. Councilmembers Ries, Ross, and Long voted for; Councilmembers Kingston and Nelson voted against. Motion carried.**

Administrator Kress said the second question is whether or not the Council wants to require citizen comments be submitted in writing in advance of the meeting. He stated "required" or "suggested" is the appropriate motion.

Attorney Nason asked if written comments were submitted before the meeting, as far as if someone submits something to the City Administrator called “Public Comment,” would those be presented to the Council and the Council will make a motion to accept them and add them into the record as the “Public Comments Received” before the meeting date. She asked whether, if someone submits something in writing, the individual would come up to the podium and read it, or would it be a separate opportunity.

Administrator Kress stated he was under the impression that the Council would require an individual to submit the comment in writing. He indicated the second part of the question is whether they become part of the record, which they now will under the verbatim-style minutes. Ultimately, he would expect that, even though it is written, the individual would present at the Council meeting as well.

Mayor Nelson asked whether the Council could invite those individuals to speak at a later meeting if they submit something they wish to bring up. He is fine with a written requirement so the Council knows who they are going to hear from and what about. He asked if the Council is basically saying no one can speak unless they submit something in writing.

Administrator Kress stated he was trying to gauge the Council’s perspective on whether or not they wanted it in writing.

Councilmember Ross said if someone wants to come at the last minute because something popped up that day and they want to bring a question to the Council, she does not have a problem with that. Also, if they have it in writing, that is fine. She does not feel like it has to be submitted before the Council meeting so the Council knows what they are going to say. She does not have a problem with someone coming up and reading something. If it is in writing, they can give it to the Council; if it is not in writing, they can tell the Council what they are thinking.

Mayor Nelson noted he has a problem with that.

Administrator Kress said the reason he brought it up is because it is part of the guiding principles. It eliminates the surprise effect because the Council will know what it is before the individual goes to the Council meeting and does not put the Council in a poor position for something they may want to answer or they just cannot. In most cases, the comment will not be discussed at the meeting because the Council has already approved the agenda and they will not add it to the agenda.

Councilmember Long stated it adds a level of professionalism and respect, and he wants it in writing.

Administrator Kress indicated to Mayor Nelson that it was appropriate to call for a motion.

Councilmember Kingston noted Councilmember Ries brought up a good point: these already go into the record because there is a verbatim transcript. He does not want to make it onerous for somebody if the Council knows there is going to be a written record that shows up in the meeting

minutes. He would like to know what they are going to talk about. If they want to have an opportunity to come before the Council, they should be able to give the Council 2-3 sentences or summarize what their discussion is going to be, and then they can talk at the Council meeting within their 3-minute duration and that goes into the record. He thinks it is a good idea that the individual lets the Council know what the matter is about, but it does not have to be their entire presentation. He referenced Attorney Nason's comment about an individual submitting something and then reading it, and stated that he did not think that would serve anything. He would like a heads-up on what it is the individual would like to bring up and then come up and talk about it. Then there are both things the Council can weigh, and it gives City Staff an opportunity to flush out any questions that might be associated with what it is they want to bring up. He likes the idea of the individual letting the Council know that they want to come and speak and the general topic they want to talk about. The Council will then have a record of what they say when the Council gets the meeting minutes.

**MOTION by Kingston, seconded by Long, to have citizens submit a short summation of the general topic they want to talk about and then speak at the City Council meeting.**

Councilmember Ries asked Administrator Kress what other cities do, commenting that North Oaks does not have to follow what other cities do but she is curious if he has looked into that.

Administrator Kress said he looked into the matter in a lot of detail, and the policy direction is all across the board. There are a number of cities that use the first option, second option, or third option. There are quite a few that require some kind of form that an individual wants to speak in front of the Council; it is quite common and usually on the City Council's website. It asks for a brief outline of what the individual intends to deliver to the Council so it is not a surprise, the Council is aware of it in advance, and, if need be, can act on it tactfully.

Councilmember Long asked how the City Council would let the public know about this.

Administrator Kress said generally the new rules, guidelines, and procedures would be put on the City's website, Facebook, and in the eblast updating the new Rules of Conduct if they are adopted.

Councilmember Long asked if people could be given a couple months' grace period if they are coming in and do not know the rules.

Administrator Kress stated that is the Mayor's directive. If the individual did not submit the document in advance, it is the Mayor's responsibility whether or not to recognize them.

Councilmember Ries asked if Councilmembers would have the ability to call somebody to the podium.

Administrator Kress said Councilmembers could challenge the Mayor's directives on whether or not somebody can be brought to the table; they can be cautioned by a majority of the Council. For instance, if Councilmembers Ries and Kingston invited somebody to the podium, the other three members of the Council can challenge that and decline to allow that to happen.

Councilmember Ries asked if Councilmembers could challenge the Mayor's invitation of someone to the podium, or if it was absolute discretion.

Administrator Kress said the same criteria would be in effect; it would be along the same lines. For instance, if the Mayor invited someone up and the rest of the Council felt strongly against that, they could challenge it as a whole Council. A motion would have to be made, seconded, and a majority of the Council in favor in order to overpower the ruling of the Mayor.

Attorney Nason said the policy could be implemented with a delayed implementation date. The must-submit-in-writing piece could start July 1 to give the public an opportunity to be made aware of the change. She encouraged the Council to consider that as a tactic as opposed to any sort of discretion, because the concern becomes one of whether or not someone is being allowed to speak/not speak based on the content of their speech. There are First Amendment implications that arise when a limited public forum is created, which is essentially what is being done. She recommended the Council adopt a content-neutral policy and keep it in place so the Council is not running into a situation where there are concerns that the subject of the speech is the determinative factor about whether or not somebody gets to speak at this limited public forum.

Mayor Nelson asked Councilmember Kingston if he would like to amend his motion to that effect.

Councilmember Kingston asked for a reminder about how the language was going to be changed.

Mayor Nelson said Attorney Nason stated the Council would have an effective date of July 1 rather than allowing for discretion in the interim, so the July meeting of the City Council would require written submissions in order to participate in citizen comments.

**AMENDMENT MOTION by Kingston, seconded by Long, to ask people to submit comments ahead of the meeting in advance of presenting at the Council meeting. The advance notice would be a summary of what they intend to bring to the Council meeting. They have an opportunity to present within the three-minute limit, as previously set, and would be effective as of July 1, 2020.**

Councilmember Ries stated she also thinks it is good to be content-neutral for First Amendment reasons. She asked, if people are submitting their issues upfront, is the Council going to make an opportunity if they say, "Oh, that's related to an agenda item," and then invite the individual up to speak at that point, or how it would be handled.

Administrator Kress said that is a question for the Mayor and that it is the Mayor's responsibility to recognize speakers on the floor after the public comments section.

Councilmember Ries asked what the motion was.

At the request of Administrator Kress, the motion was repeated.

Councilmember Ries thanked Councilmember Kingston and stated that because it is the Council's tradition to just listen to citizen comments and not take action, she does not think a written, in-advance requirement is necessary, and so she is opposed.

**Councilmembers Long, Kingston, and Nelson voted for; Councilmembers Ries and Ross voted against. Motion as amended carried.**

Administrator Kress indicated the last portion is Rules of Procedure or Rules of Conduct for citizens. He noted that in general there was no opposition to that and that unless there was something a Councilmember wanted to add to that, a motion would be appropriate to consider that.

**MOTION by Long, seconded by Kingston, to accept the Rules of Procedure/Rules of Conduct for all citizens that are present at the meeting.**

**MOTION by Councilmember Ries to table the policy/guidelines for people coming to the meeting and giving public comment and give the Council further opportunity to review what they actually say.**

Councilmember Ries said she reviewed them and is thinking, based on the comments, that the Council needs to ensure they will treat the public that attends the meeting as fair as the Code of Conduct policy is for Councilmembers. She likes it when people express some enjoyment or happiness and does not want to be too limiting on First Amendment issues. She would like to wait and decide on these particular issues and go through it in more detail line-by-line at a different meeting.

Mayor Nelson noted that he has the ability to control the crowd in any case. The Council is talking about setting expectations for the public so they know they are not to misbehave, so there will be printed expectations for them.

Councilmember Long said since it is a new procedure/policy, it can be subject to review over the next year if the Council misses something. He is good with it as it is stated.

Mayor Nelson asked Attorney Nason if the City Council effectively has a motion to table, or where the Council was at.

Attorney Nason stated there was a motion and a second, and then there was a motion to continue or postpone it. She said it looks like that would be the priority motion, so if that was a motion to postpone this to a later date, there would need to be a second, it would be debatable, and voted upon.

Mayor Nelson asked if there was a second to Councilmember Ries' motion.

**Motion to table seconded by Ross.**

Councilmember Kingston requested a clarification as far as what was being voted upon.

Administrator Kress stated the first motion was made to adopt the rules for citizen/public comment. A second motion was made by Councilmember Ries and seconded by Councilmember Ross, which takes precedence over the initial motion. He is taking a roll call vote on whether or not to table the discussion on the rules for public comment.

Mayor Nelson commented that he thinks it is obvious there needs to be rules in place for the citizens, just like there are rules in place for the Councilmembers. He said they are not egregious; in fact, there were no objections to the rules when they were read earlier in the meeting. He is a little baffled to have it tabled now as far as what part of the rules are egregious or are a problem. Also, he is in charge of the meeting; and if people are misbehaving, this is just setting out a set of rules they should live by. He does not know why the matter would need to be tabled.

**Councilmembers Ries and Ross voted for; Councilmembers Long, Kingston, and Nelson voted against. Motion to table failed.**

Administrator Kress said, as part of the Rules of Procedure, the City Council would go for a new motion, if he was not mistaken.

Attorney Nason stated the City Council has a pending motion that needs to be disposed of. The priority motion was dealt with. Now the City Council is back to the original motion, which was to approve as proposed. She said she would urge the City Council to consider removal of the last bullet point under the proposed examples of Rules of Conduct, which deals with repeated violations resulting in the exclusion of a person from future Council meetings. That would potentially constitute a challenging legal situation. There are ways, if people are disruptive in meetings, that they can be dealt with. If there is disorderly conduct, that is a misdemeanor. Obviously, the Mayor has the right to control the meeting and a recess can be called if someone is engaging in criminal conduct and they can be dealt with by Deputy Burrell. Her only concern is the last bullet point, and she asked the Council to consider not including that in the motion.

Mayor Nelson asked Councilmember Kingston if he wished to amend his motion to reflect Attorney Nason's suggestion.

Councilmember Kingston accepted the amendment as stated by Attorney Nason.

Mayor Nelson asked Councilmember Long if he approved of the amendment.

**AMENDMENT MOTION by Councilmember Kingston, seconded by Long, to remove the last bullet point under the Rules of Conduct.**

Mayor Nelson asked if there was any further discussion.

Councilmember Ries said she thinks some of the points are a bit too strict and take away some people's First Amendment rights. She knows there is some argument about trying to run efficient meetings and the Council wants to get comments across, but she noted North Oaks does not have

disruptive meetings like some cities do and people are not out of line. She thinks at this point putting the rules in writing is overstepping. She understands a general code/policy would be a good idea, but it goes a little too far for her.

Mayor Nelson said North Oaks has, in fact, had difficulties in the past with catcalls, boos, and comments made during the meetings that are inappropriate. First of all, they should not make comments at all. The City Council has had difficulties with that. The Council has also had difficulties with people assaulting persons and difficulties with people not leaving the room after the room is directed to be cleared. He thinks it is totally appropriate to have some rules.

**Councilmembers Long, Kingston, and Nelson voted for; Councilmembers Ries and Ross voted against. Motion as amended carried.**

### **CITIZEN COMMENTS**

None.

### **CONSENT AGENDA**

Councilmember Kingston noted there is a listing for checks but he does not have any check numbers and wanted to know if that was intentionally left out.

Administrator Kress said the newest packet that is on the website has all of the check numbers and he would pull that as Councilmember Kingston goes through the other items on the Consent Agenda.

Councilmember Kingston stated Consent Agenda items are considered routine and can be enacted upon with one vote. He listed the items as follows:

- a. Licenses for approval: Advanced Heating and Air Conditioning; Diversified Plumbing & Heating, Inc.; Ray N. Welter Heating; Sentra-Sota Sheet Metal, Inc.; Shorewood Tree Service; SPI Mechanical LLC;  
Checks for approval: #013539–013568**
- b. Resolution 2020-1381 for Approval of CUP at 15 Ridge Road**
- c. Approval of Minutes of the City Council meeting of March 12, 2020  
Approval of Minutes of the City Council meeting of April 9, 2020**

Mayor Nelson asked if the number of checks written was lower than usual.

Administrator Kress said it is slightly lower because the City has not had as many expenses during COVID-19, although business is still running as usual.

Councilmember Ross had a request regarding the minutes. She said when she looked for the minutes from the last couple of meetings on the website today, they were not there. She noted

Ms. Breen was great about getting them, but they were quite long and it was short notice to get them. She would like to see that they are included earlier with the rest of the packet so Councilmembers have a whole packet to read rather than piecemealing it. She said she thought it would help a lot if Councilmembers had everything at one time.

Administrator Kress said they got the minutes late the night before, which is the reason they did not have them in the typical Thursday presentation to the Council. Moving forward, Staff expects to have them well in advance of the Council meeting so the Council will have the opportunity to review them. He said he appreciated the concern expressed by Councilmember Ross.

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

Administrator Kress asked for a point of clarification regarding how everyone would like to be addressed.

Mayor Nelson stated he had no preference: Mr. Nelson, Councilmember, or Gregg.

Councilmember Long stated he had no preference.

Councilmember Ries said she would like consistency.

Councilmember Ross said she had no preference.

Councilmember Kingston stated he had no preference.

## **PETITIONS, REQUESTS & COMMUNICATIONS**

### **a. Deputy Mike Burrell Report**

Deputy Burrell said he had a few things to talk about. With the current COVID-19 situation, it has been very busy in North Oaks. He has had numerous complaints about the trails being full, so he has made it a priority to monitor the parking lots and other privacy-related issues. He has discussed that with a few of the Councilmembers and also some actions that he has taken. They have been issuing tickets. He spoke with Sheriff Fletcher about having other Deputies step in when he is not there to have some consistency throughout the week. He stated they have had a lot of Shoreview residents, along with others, that have used the trail almost like a public trail around Pleasant Lake. There is more serious stuff going on; but in talking with residents, privacy is one of the biggest issues because that is one of the reasons they moved to North Oaks. He has also been dealing with a lot of criminal activity, most of which has been along Village Center. The Newport cigarette thief that hit Walgreens half a dozen times was back. The way some jails are operating, most people like him are being released, so he is back at his usual criminal activity. He has been charged with some additional theft crimes. There have also been some mail thefts; and those thieves are looking for valuable things in the mail and checks have been stolen. He noted that if residents have a locking mailbox, they should not put outgoing mail with checks

inside for the delivery man to pick up, because that defeats the whole locking mailbox part. He commented that there was an event that made the news involving a burglary which happened in North Oaks and extended across a couple of different cities. He stated a lot of people have asked him about that matter. Although it did start in North Oaks and North Oaks made the news, it was actually outside of North Oaks. The house was not part of the North Oaks Home Owners' Association (NOHOA), so when you think of North Oaks, it is not a house you typically think of. It still affected North Oaks and was a North Oaks resident. There was an apprehension made, and the person was charged criminally for not only the North Oaks burglary but also for other crimes he committed along the way the same day. There were several felony-level charges the suspect got hit with. He stated trespassing has been a big issue. There have been some very unusual characters coming through town; there have been some people in the area that are not wanted that have been caught. The good thing regarding the trespassing ordinance is that when somebody is seen that shouldn't be there, it allows the Deputies to remove them and get them out of town.

Mayor Nelson commended Deputy Burrell for his quick response, because the day before he had a door-to-door salesperson come to his door while he was working at home. He did not have a mask on and wanted to check for spiders. He told the man he was definitely in the wrong place for this. He sent the Deputy a picture of the man while walking down his driveway, and the Deputy met him at the end of his driveway. He noted the man was cited.

Deputy Burrell indicated the man was a State of Georgia resident, which is the typical method of operation (MO). They get people from the other side of the country and move them in, and they do door-to-door sales. He said it is kind of a shady business.

Mayor Nelson said he is offended by door-to-door sales in the City because they know the rules, but he is usually not as offended as he was this time. The man came to the door without a mask and the Mayor did not know who he was. He wondered what would have happened if there were elderly people in the home with him. He stated the man is a threat and a danger, and it is crazy what people will do.

Councilmember Long noted he was working with Councilmember Ross and Administrator Kress on a task force along with the Deputy. He said at the last meeting it was determined that the City would continue to have Deputy Burrell reached by residents but the NOHOA Board members were also asking him to deal with the trespassing issues. At that time, it was decided that Administrator Kress was the point person to keep Deputy Burrell focused on his work. A bigger issue that has come up with NOHOA is the question of enforcement of some NOHOA issues. He noted the trespassing ordinance is very clear, along with fishing, and so on. He spent some time with the other officer on the trail after an incident, and it was communicated that maybe the City needs to contact the Sheriff and explain the City's rules. He asked Administrator Kress to help explain the situation.

Administrator Kress said he talked with Sheriff Fletcher and asked for some discussion with him regarding protocol/procedure with the City so both parties are on the same page when it comes to enforcement of trespassing, fishing, and things the City has authority over. Sheriff Fletcher is going to review that and then present Councilmember Ross and himself a more detailed perspective on what Sheriff Fletcher's expectations are to see if they align with the Council's perspective. He was hopeful that they would have the information at the June or July meeting so there could be a more fruitful discussion at the Council to give them more direction from what the City wants to see.

Councilmember Long asked Deputy Burrell to weigh in regarding Board members contacting him, if there were quieter interruptions and if he felt it was beneficial to the enforcement.

Deputy Burrell said he has no problem when people reach out to him. He has worked with Mikeya Griffin in the past and she has been great. If NOHOA wants her to be the point person, he would be completely fine with that. As far as working with NOHOA, they do have an important voice in the City. The big trespassing issue is generally along their trail, and he thinks their insight is important. In the four years he has been in the City, the issue has been that NOHOA can do things that would help with the trespassing issues, which is why the City needs NOHOA's help. He said if NOHOA feels that it is the Sheriff Office's job to deal with trespassing issues, not theirs, that is where the City, NOHOA, and Sheriff's Office need to be able to work together, because it is a joint effort.

Councilmember Long added that they are still working on the protocol and asked Administrator Kress where the group was now.

Councilmember Ross stated she is in touch with Mikeya Griffin on a regular basis; she talks with her about what is going on. Deputy Burrell is working a lot of different hours right now because of the influx of people coming in, so they have to work together pretty closely to make sure things are covered. She said she talked to Bob Fletcher the previous night, and two more Deputies were in the area helping Deputy Burrell that day and they are able to spend more time dealing with the trespassing issues and going around the community, making sure that everything is kind of taken care of. She noticed there are people just walking around through the community. She said Deputy Burrell stopped somebody Saturday night that was not a good guy. She is in touch with Mikeya a lot, and Deputy Burrell and herself talk a lot. She has talked to Bob Fletcher at least a couple of times this week, and he has been very supportive. She said she thinks the City is in a good place right now and just needs to keep doing what they are doing.

Councilmember Kingston said he hoped the task force would start taking a look at the responsibilities of NOHOA versus the City, especially when talking about the trails. He said it seems like there should be a conversation with NOHOA about whether or not they need some additional security/support themselves. He thinks things are going to get worse rather than better over the next couple of years, and he thinks it is important to have the discussion with them now and is encouraging everyone to do so.

Mayor Nelson said he agrees and it can be worked on off-camera. He asked Administrator Kress if the discussion kind of morphed into the next item on the agenda, Unfinished Business.

Administrator Kress said it does somewhat tie into that.

### **UNFINISHED BUSINESS**

#### **a. Discussion and possible action on code compliance and enforcement procedures**

Administrator Kress said the City's current enforcement protocol is typically that one is expected to submit in writing what the complaint/issue is to the City Administrator. then he reviews it and either submits it to the Deputy, handles it himself, or has the building official handle it, depending on the violation. His understanding was, there were some concerns over the anonymousness of the person submitting the claim and whether that procedure should be changed. He turned it over to Councilmember Ries for further explanation.

Councilmember Ries stated that some resident feedback she has gotten about the City's complaint system is that they do not want to attach their names to complaints that need to be addressed from the City perspective, such as cars that do not work sitting in driveways or junk sitting out in yards, as they are afraid of retribution if they complain. In the past the City had a system where the City Administrator would drive around and check things out and look into things himself; or he would get emails, look into it, and then take care of it. She stated she appreciates Administrator Kress setting up the official form and thinks it is a good system. She noted she talked to Administrator Kress briefly about not going back completely to the old way, but a way for people to contact Administrator Kress through email or call him and then let him look into it and see if it is a valid complaint or not. One of the concerns Administrator Kress has raised multiple times is that he is put in an interesting position as the City Administrator, having to investigate these complaints. She said a lot of cities have hired a part-time or full-time person to do code enforcement. In following Administrator Kress' suggestions on Item No. 5, come up with a solution, she would like the Council to entertain maybe hiring somebody part-time, one or two days a week, to assist Administrator Kress in code enforcement. That way Administrator Kress is not put into a difficult situation of having to be the bad guy but also the good guy in the City and he can focus on other work. She is asking for the Council to discuss the issue.

Councilmember Long said somebody has to be the bad guy and the North Oaks City Administrator might have to be that person. He is in charge. He is also in charge of Deputy Burrell and the Building Inspector, and so on. He stated Administrator Kress may need more help, but he has not heard that before tonight.

Councilmember Kingston asked Administrator Kress how many complaints he has been dealing with, how many does the City get on an average per month.

Administrator Kress said the City does not get a lot, at least not currently. Typically, the complaints are on boats, a car, a barking dog, or something like that. He has not had a situation yet where he has had a resident get extremely frustrated with him, threaten him, or anything like that. However, that is a concern if he goes to somebody's house, knocks on their door, and they are aggressive. He said it is a poor position, especially for the City Administrator. He stated that it is kind of rare for a City Administrator to do this task. There is typically a code enforcement official on staff or the City shops it out. When he looked into it, there are very few cities around North Oaks that have their City Administrator process code violations.

Councilmember Kingston asked if Administrator Kress visits the party personally rather than just sends the notice.

Administrator Kress said the property should be visited to make sure that a violation exists. He does not think it is appropriate to just send a letter blindly, hoping that the resident concern is accurate. He thinks due diligence needs to be done: go to the property, document, take pictures, and potentially knock on the door. A lot of times, when talking to individuals, it is fixed on the spot and there is no need to issue a warning or turn it over to the City's prosecuting attorney.

Councilmember Kingston said he was not thinking Administrator Kress would visit the property to see if it is a proper complaint. It seems odd to him that Administrator Kress would have a conversation with the individual right away as opposed to sending a friendly reminder of X, Y, or Z such as they need to move their car, keep their dog from barking and disturbing neighbors, or whatever. In reference to Councilmember Long's comment, he stated he does not think the City is in a position to be spending money right now, that things are going to get a lot worse before they get better, and he cannot see the City bringing in a part-time, couple-day-a-week person in terms of where the economy is at.

Councilmember Ries said she agrees that no one knows what is coming; but the City has to be ready and prepared, and nobody should be acting irresponsibly at this point. She suggested it might be worthwhile to hire somebody for 1-2 months, or the summer, once every other week to help Administrator Kress out in the busier months, when the permits and everything else are going on. She wants to protect him, help him, and support him as much as possible. Just like they have Kevin White doing permits and Brian Humpal doing septic, it might be nice to have someone who is looking out for violations. She said the City does not get a lot of violations so they do not need to throw a bunch of money at this, but maybe just a couple of hours once a month would be good.

Mayor Nelson asked Administrator Kress to explain to the people who are watching why the City cannot have the Sheriff do code enforcement.

Administrator Kress said the City potentially could, but he would have to be very fluent with the City Code and able to understand what areas are in violation of the code, which can be very

tricky. A prime example would be noise complaints, lighting complaints, things like that, which are very challenging to issue a citation on.

Mayor Nelson said he would think the Sheriff would be in a better position to enforce things than Administrator Kress.

Administrator Kress stated, typically, any time he approaches a resident's door, he asks that Deputy Burrell is present, because you never know. He has run into situations that have turned south very quickly, and it is not a good position to be in. Referencing Councilmember Ries' point, he said the City does not get a lot of them. He would estimate maybe one or two a month is what he is seeing right now. But it is extremely challenging to go out to the area, document it, try and get in touch with the person, and keep social-distancing. He went out with Deputy Burrell a few times, and in most cases, they were able to get the person to comply. He is concerned that if he runs into a situation where he upsets the wrong person, they could end up on the Council and he is on the chopping block because of it. It sounds really stupid, but it is factual. It has happened and will happen.

Councilmember Kingston said, unless he did not hear it correctly, he is hearing that Officer Burrell could do the task. If Administrator Kress is only talking about a couple complaints a month, he cannot think of anybody that is more diplomatic than Deputy Burrell. And if it turns out that it becomes a burden or it takes him away from his other responsibilities, the Council can look at other options. It seems like the best one is to have Deputy Burrell be the point person, unless Administrator Kress thinks there are some that he can handle just by contacting the people directly and having a conversation with them. He noted the position of authority Deputy Burrell exudes is going to have an influence as well. He thinks that would make a lot more sense and he would be supportive of that.

Commissioner Ross stated she has a concern about Deputy Burrell taking the position on right now, because some of the stuff he is dealing with is a little bit more difficult than normal stuff that comes through the City. She said there was a problem on her street the previous Saturday night, which was not a good problem, which happened to a resident down the street. She noted Deputy Burrell has a good head on his shoulders. She is hesitant to have him take away from the time that he is spending dealing with people coming in and out of North Oaks right now. He may be a good guy for that at some point when this tones down a little bit. She said she is wondering if Kevin White could do some of this work.

Councilmember Long commented that historically, as the leaves fill out and everything is canopied, everything becomes hidden and it seems like complaints are reduced until the fall.

Administrator Kress said at some point the City will want to fine-tune its policy with this issue because it definitely has its rough spots that Deputy Burrell and he have seen. He did not think it would hurt to explore the option, understanding times are tough right now. He thinks the City is

okay for the time being, but he would not mind exploring with a couple of other cities who they use and why and how productive it has been.

Mayor Nelson stated that is what he would suggest, that Administrator Kress gathers some information and gets back to the City Council on the matter. One piece of information is, would Officer Burrell be able to do the job within his current contract or would the City have to add to the contract somehow. He asked Administrator Kress to check on it and it could be talked about in a month. He noted it is almost 9:00 p.m. and they needed to keep moving, unless someone had a motion to make.

Councilmember Ries asked if she could make one other point, which may help with the motion. Since there are fewer complaints in the summertime because there is more foliage and tree growth, she asked if Administrator Kress would be willing to relax the formal system and look into some of the email complaints or more anonymous complaints and investigate, since there are only a few every summer, and then look into using someone else at some later point. She is a little worried about using Deputy Burrell because he is busy dealing with bigger issues and public safety is such a huge concern currently and she does not want to distract him from that. She asked if Administrator Kress, in the interim, while he is investigating and researching what other cities do, could agree to take on some emails, etc., and look into those complaints.

Administrator Kress said he would let the Council weigh in on the issue. He noted the question on the table was whether or not the Council would waive the requirements of the written public complaint form and allow for the City Administrator to take phone calls or emails as complaints.

Councilmember Ries added that the City Council could also make it a more anonymous system, because people are very worried about retribution if/when complaining about a neighbor.

Councilmember Long stated he thought the matter would require more discussion and did not believe it needed to be done that night.

**MOTION by Long, seconded by Kingston, to table the matter until the next meeting.**

Councilmember Kingston said he agrees with Councilmember Long, that the Council needs to look at the matter more. He indicated he had a chance to talk to Administrator Kress about the matter before the meeting, and he thinks there is a whole array of unintended consequences that go along with this. He is not opposed to looking at some other options to see if the Council can come up with something that works for people. He would like to have it fleshed out a little bit better in terms of how the Council would go about it and that they do not end up making things worse in the community. He said Administrator Kress gave some examples of things that happened in other cities where it made it a lot worse rather than better when anonymous complaints were accepted. He is not saying no, but he would like to study it more to see if a better, defined way of dealing with it can be found.

Mayor Nelson noted in the age of COVID, it is pretty hard to do enforcement work, anyway.

**Motion carried unanimously by roll call.**

### **NEW BUSINESS**

#### **a. Presentation of 2019 Audit**

Mayor Nelson said he watched the video presentation by the auditors. He was inclined to play the tape or have it read, but it is 14 minutes long and it is almost 9:00 p.m. He asked if anyone wanted it played. He asked Administrator Kress to confirm that the City got a fully favorable opinion.

Administrator Kress agreed that Mayor Nelson's analysis was fair. The only points made were that the City was below the 60% threshold for reserve, which is not that surprising. He noted the City of North Oaks does not have large infrastructures or buildings it owns. He said if the Council wants to set a higher or lower threshold, they can do that; it is a policy decision. He is already working on that with an infrastructure study. If the Council wants to increase the number, it would be via a tax levy increase or a water and sewer increase.

Mayor Nelson stated the number is very close to 60% and that is where the City has been more than a couple of years. It seems like the City is always just below 60%. The City can increase taxes, change the utility rates; that is what Administrator Kress would look into. He suggested the other Councilmembers watch the audit presentation and the City Council could revisit it the next month. He asked if anyone objected to that.

Councilmember Ries said one of the comments the auditor made repetitively throughout the presentation was about what capital projects the City would be planning for. She would like to do a workshop towards the year-end and look at the City's five-year plan and what the City needs to look at, what it will take on, and what it needs to pay for, because there will be some larger ticket items coming down the pipeline in a couple of years. With development, the City will take on more utilities and figuring that out. She would like to see more budget discussion in a workshop setting where the City Council identifies as many things as they can, makes sure there is reserve and capital for it, and if there are escrow accounts that can handle the responsibility. She thinks, as a Council, they should carve out some time to look at capital improvement projects coming.

Mayor Nelson indicated Administrator Kress has a big project with the Engineers, working on the utility issue, because that is the primary issue the City will be dealing with going forward. He agreed with Councilmember Ries that once the project is to a point where Administrator Kress has a better handle on utility issues, the Council should have a confab and try to figure out where the City is at. He asked Administrator Kress if that was fair.

Administrator Kress stated Mayor Nelson's comments were absolutely correct. Once they get that back, they can start to establish some of the reserve balances, the funds can be set appropriately, and they can check into the levy balance and see what kind of reserves the Council wants to see. He noted that is part of the budget process, and July/August is when they will start to look into that.

**MOTION by Ross, seconded by Ries, to accept the 2019 Audit. Motion carried unanimously by roll call.**

**b. Discussion and consideration of Resolution 2020-1382 extending term of previously-declared local emergency**

Mayor Nelson noted the resolution is essentially mirroring Governor Walz's most recent declarations as best the City can.

Administrator Kress stated he has a rather large Memo prepared, but for the sake of time he would turn it over to Attorney Nason.

Attorney Nason stated the resolution was prepared last week for the Council packet before the four Executive Orders were issued the previous day by Governor Walz. The big-picture takeaways concerning the City are: the Stay-at-Home Order expires Sunday night; however, there is a Safer-at-Home Order that extends limitations on social gatherings and gatherings of groups of 10 people or more through May 31. There is an exemption for legislative bodies such as City Councils, so City Councils and other legislative bodies are not required to limit meetings to 10 people, but they are strongly encouraged by the Governor to meet remotely if possible. The Declaration of Emergency as drafted extends the City's local emergency under Chapter 12 through June 13. The significant piece for discussion is that the Council does have its regularly scheduled Council meeting on June 11, where it is anticipated that the Nord and Anderson Woods preliminary plan/preliminary plat applications would be coming forward for Council consideration. It is important to get the Council's sense of what the Council believes is practical or prudent as far as meeting in-person is concerned. She and Administrator Kress have had a lot of conversations about the issue with respect to what this means based on the City's meeting space. Every city is in a different situation. Some have very large Council Chambers so they can easily accomplish social-distancing without having to do much more than limit the number of people in City Hall. The space at North Oaks City Hall provides some challenges as far as how Councilmembers and Staff can be seated and also make room for the public. The subject declaration would extend North Oaks' Declaration of Local Emergency through June 13. It allows City Hall to remain closed until such time as Administrator Kress is ready to reopen it. Currently it says June 13 or such other time as Administrator Kress is ready, believes that there is a safety plan in place, and it is practical and prudent to do so. It also authorizes meetings to take place electronically unless the Mayor or presiding officer of each body determines it is no longer impractical or imprudent to have in-person meetings. She mentioned the existing Declaration of Emergency by the Governor provides an opportunity for the Council to meet in this remote

setting or some type of modified remote setting; for example, Administrator Kress and one or more Councilmembers present at City Hall. She reiterated that every city is doing it differently. For instance, some Councils are meeting in Council Chambers but are locking the doors and none of the public are allowed.

Mayor Nelson stated he is anxious to get back to meetings where at least the City Council is together to discuss things, especially given the next meeting being consideration of the development. He would like to see everyone present for an in-person meeting; but given the size of the City Council meeting room, he thinks all they will be able to manage is the City Council and Staff. The City does not know where it will be on June 11 at this point.

Councilmember Kingston said he cannot see the City Council coming together in that timeframe. From what he knows and is seeing from a health professional perspective, it is too soon. He thinks it will put everyone at risk.

Mayor Nelson stated he agrees it would be a risk, but was telling everyone what he would like.

Councilmember Kingston said he would like that, too; being at home is getting old for everyone. For right now he thinks the City Council needs to take the safest course.

Mayor Nelson asked Attorney Nason if a motion is required to decide what the nature of the June meeting will be or what she thinks the City Council should do.

Attorney Nason stated the drafted resolution says the City Council and Mayor hereby determine that in-person meetings of the Council, Planning Commission, or other Commissions are not practical or prudent and extends the authority of all such bodies to conduct such meetings remotely in compliance with 13D.021 until it is determined that such meetings can be conducted in a manner that is neither impractical nor imprudent. She said that for the Planning Commission meeting that is scheduled for May 28, it is going to be sort of a hybrid. She said as you look at 13D.021, there is a spectrum. Currently, nobody is present at City Hall and everyone is meeting remotely. To turn the dial a little bit, some people can be present at City Hall and some remotely, which is the halfway point. Obviously, once the emergency is over, it would be back to the normal full Council in Chambers. With respect to how many people are allowed into Chambers, that is going to depend on the guidance from the CDC and other health authorities at the time. The Planning Commission is having a hybrid meeting on May 28; it is anticipated there will be one or more members of the Planning Commission present at City Hall, Administrator Kress, some technical staff, and there might be room for 1-3 people. It has been noticed on the Public Hearing notice that the City reserves the right to implement limits on how many people can come into Council Chambers. With that in mind, on June 11 there could be one or more Councilmembers present in Council Chambers, but it would depend on where everyone is at. She noted the City is under the 13D.021 meeting space right now. When the States rescinds its Emergency Declaration pursuant to Chapter 12, the legislature enacted legislation that specifically allows when the City is meeting under a different section of the open meeting law,

there should be interactive television meetings so that one or more members of the Council could meet remotely or participate from their home if they have essentially received guidance from a healthcare provider that, due to their health or the health of those they live with, it is not practical for them to be present in City Hall and it is not reasonable for them to do what someone normally has to do when you meet remotely outside of the 13D.021 space, which is you have to make the space in which you're meeting remotely open to the public. The City is not there yet because they are still in the 13D.021 box. She said she mentioned it so the Council is aware, moving forward, if there are considerations that exist now or develop over time, that there is a possibility to allow Councilmembers to participate by interactive television. She noted Administrator Kress is aware of that, they have talked about it, and will work through it if that is the situation.

Councilmember Ries noted that at the last City Council meeting a vote was taken that Administrator Kress was going to ask North Oaks Company (NOC) if they were willing to extend 30 days. Based on the order's extension and this unclear time, it seems very prudent to her that they would do a 30-day extension. She asked Administrator Kress if NOC responded.

Administrator Kress said they did not respond in writing but they did submit that verbally to the Planning Commission.

Councilmember Ries asked if the City could have NOC submit the response in writing. She assumed the City had given the question to NOC in writing and asked if she was correct.

Administrator Kress said yes, that he would request it again in writing.

Councilmember Ries asked if other Councilmembers had comments on that. She stated she would like to get the definitive answer to clear up that any questions the City asks in writing be responded to in writing as well.

Mayor Nelson asked Councilmember Ries if she was making a motion to have Administrator Kress do that.

**MOTION by Ries, seconded by Ross, to have Administrator Kress put in writing to the North Oaks Company, based on the City Council's unanimous vote, a request that the NOC extend out the 120-day deadline an additional 30 days for the Nord and Anderson Woods parcels.**

Mayor Nelson stated that the motion is to request that the NOC extend the timeline past the 120 days by an additional 30 days and asked if that was correct.

Councilmember Ries said that Mayor Nelson was correct and that they also respond in writing to the City Council.

Mayor Nelson asked Administrator Kress if he noted that the NOC responded in the negative to the Planning Commission but it was not a written response.

Administrator Kress indicated Mayor Nelson was correct.

**Motion carried unanimously by roll call.**

Mayor Nelson asked if there was a motion to approve the resolution extending Emergency Declaration kk 5-8-20. He asked for confirmation that he had the correct number.

Administrator Kress indicated the resolution number is 2020-1382. He explained that 1382 is the number. He indicated to Attorney Nason that one of the dates had to be changed because the document was drafted before the new information was available.

Attorney Nason agreed and said if the City wants to be consistent with what exists as far as the Governor's Declared Emergency, it is set up for June 13, so throughout the resolution that is the termination date. The Governor's Declaration of Emergency runs through June 12, so if the Council wanted to match up with what exists at the moment, they may wish to make a motion to approve with a modification to show the expiration date of June 12, 2020.

Mayor Nelson asked if there was a motion to approve Resolution 2020-1382 with the modification of "June 12" instead of "June 13."

**MOTION by Kingston, seconded by Ross, to approve Resolution 2020-1382 with the modification of the date "June 12" instead of "June 13." Motion carried unanimously by roll call.**

**c. Review of Coyote Management Plan**

Administrator Kress stated the plan went through several stages of the Natural Resources Commission (NRC) and it was vetted well. His understanding was that this was done in the past by the City Council, so Staff brought it to the Council's attention for formal adoption. He noted it is a rather lengthy document and members of the NRC spent at least three meetings reviewing it. He thinks it is pretty well put together and would feel comfortable looking for a motion.

**MOTION by Ross, seconded by Long, to approve the Coyote Management Plan.**

Administrative Assistant Needham stated there were two highlighted sections in the draft that the NRC approved removing. She indicated the final version would be identical to the draft except the two highlighted portions would be removed.

Mayor Nelson stated the sections were on Pages 2 and 12.

Administrative Assistant Needham agreed with Mayor Nelson's statement.

**AMENDMENT MOTION by Ross, seconded by Long, to approve the Coyote Management Plan with the exclusion of the two highlighted sections. Motion as amended carried unanimously by roll call.**

**d. Discussion and possible action on payment procedure for staff participating as hosts for Council and Commission Zoom meetings**

Administrator Kress stated in the past, when Staff used to take the minutes, they were given the opportunity to receive \$100 per incident. His recommendation to the Council is to leave it the same for the time being because Staff still have to sit in on the Council meetings. They do not have to draft the minutes, but they have the responsibility to act as host for both the Planning Commission, the City Council, and for the NRC they also draft the minutes. Although he is comfortable with what Staff is really getting, it needs to be brought up to Council for action.

**MOTION by Long, seconded by Ross, to approve \$100 for Staff participating as hosts for Council and Commission Zoom meetings. Motion carried unanimously by roll call.**

**COUNCIL MEMBER REPORTS**

**Councilmember Ries** said the Fire Department meeting was canceled due to COVID; hopefully, the next one will occur. The Cable Commission meeting will be held next week. At the last Council meeting there were over 400 views, but that does not count any of the links the media stations posted, so there are probably far more than that viewing the meeting. On average, there are 200 views. The first phase of graphical design has taken place regarding the website, which sets up the layout. The next phase will be the sub pages, where the content will be written; that requires a lot more work. The process is moving along and it's been fun. She noted the weather is getting nicer in North Oaks, and she encouraged people to support local restaurants and safely social-distance. She congratulated the Garden Club on their very successful pre-order sale and said it was nice to see neighbors out, masked and social-distancing, and enjoying picking up their items.

**Councilmember Long** said Vadnais Lake Area Water Management Organization has a new administrator and he seems to be doing a wonderful job. He noted it was odd to have someone new after 25-plus years, but he thinks it will be a good move and a good quality person joined the group. He stated they will need to continue working on safety and security. He has been working with Councilmember Ross and feels it is her role to take it to the next level. Enforcement of NOHOA's codes is a gray area that the Council will need to discuss and all weigh in on. Even though it represents all but 12-13 homes, it is still using public money. He said Attorney Nason may have to weigh in on the issue.

**Councilmember Ross** said she thinks it is important for residents to make sure they keep their doors locked and garage doors closed. She stated a resident's garage door was open, the car was in the garage, and this person's purse was stolen. There are a lot of people roaming around right

now, and it is better to be safe and keep things locked up. Administrator Kress and herself have been talking about the safety and security meeting and are still in the process of trying to lay things out. She referenced that Deputy Burrell's bike was damaged when he was rear-ended this past year. He needs to have a new bike, and there was an agreement that the Ramsey County Sheriff's Office would pay for half and North Oaks would pay for the other half. Burrell is in the process of getting a bike so he can go out on the trails. She stated recycling has been challenging lately. The City processed about 52 tons of recycling in December and January, which are historically the highest months. Right now, the City is processing 72 or more tons of recycling, which is because people are home, etc. They will send information to the newspaper to talk about what can and cannot be recycled. For example, cribs and grills are not allowed in the recycling carts. Even without those kinds of items in the carts, the City is still processing at least 72 tons. She noted Clean-Up Day is Saturday, June 27, from 8:00-12:00. There will be a scrap metal truck and a paper shredding truck, which will include a hard drive shredder. There will be a coupon in the next issue of the paper. She said on May 29, the City will order another round of mailboxes, so people should get their orders in by then. She tells people not to put any outgoing mail in the locking mailboxes; it is safer to take it up to the post office or one of the post office boxes similar to what is in front of the City or Taste of Scandinavia. There is too much going on in the City right now, so it is not safe to leave it where people can get to it.

**Councilmember Kingston** echoed some of Councilmembers Ross and Long's comments about working with NOHOA to take a look at the jurisdiction issues with the enforcement of trespassing. He thinks that will be really important going forward and wants to make sure NOHOA comes to the table and there are some good, fruitful discussions, because NOHOA will probably be in a position to step forward with some of their own solutions and the City of North Oaks needs to support them as best it is able. He noted there are a couple of articles coming out that members of the Tick Task Force have worked on. They are thinking about changing the survey that's been done over the last few years. A very small number of people responded to the last survey cycle, and he thinks a lot of it has to do with calling in to report a negative. People have a lot of things going on in their lives, and they probably do not want to take the time and energy to do that. They would like to transition to where people that do have tick-borne illness issues are given an opportunity to fill out a survey of their experience so it can be tracked within the City. The problem with getting information from the Health Department is that they get their information from different clinics around the Cities. If the report comes from one clinic, it does not necessarily represent someone that got Lyme disease or another tick-borne illness in North Oaks. People will be given plenty of notice about the change in terms of how to give feedback. He said a couple of residents came forward who were concerned about the traffic from Highway 96 onto Pleasant Lake Road in the stretch between the entrance of the City and the first stop sign. Especially when people are coming in off of 96, people are moving pretty quickly. As they come off of 96, they turn onto Pleasant Lake Road and they pick up their speed fairly quickly, and there's a lot of people/kids that are riding their bikes or walking, maybe going to the park across the street on 96. Their question was whether or not there could be a dedicated lane for bikers and walkers. He said he brought the subject up with some folks at NOHOA and they will consider it. He stated it is an important issue that needs to be looked at.

**Mayor Nelson** stated he had an opportunity to talk to Fire Chief Tim Boehlke, which reminded him that we should be thankful for the First Responders and Firefighters that have continued to work through the pandemic, putting themselves in harm's way. He also thanked those who continue to staff Waverly Gardens and the residents who continue to work together in a very difficult situation. He asked everyone to keep them in their hearts and prayers. He said the Lake Johanna Fire Department (LJFD) is very close to trying to close on the property that has been the subject of discussion for the last year with the eventual plan to put in a new fire station. Chief Boehlke asked Mayor Nelson to get a sense from the City Council as to whether there is any significant opposition to North Oaks' participation to secure the purchase of the land. He stated he is in favor of the purchase and noted Chief Boehlke has been an excellent leader and has thoroughly vetted the matter. He asked Councilmembers if anyone had significant concerns, because the Chief needs to move forward on the matter shortly.

Administrator Kress said he put the draft agreement that Staff has been working on with the Cities of Shoreview and Arden Hills, and they are looking forward to the land purchase. The current arrangement is a cost-share formula that North Oaks has not fully agreed on with the Cities of Shoreview and Arden Hills. There hasn't been a Fire Department meeting, so Staff has not been able to present the proposal to the respective City Councils. His understanding is both Shoreview and Arden Hills are on board with moving forward with the purchase of the land.

Councilmember Long indicated he respectfully disagreed; he does not believe they all have. There's been some changes over the last few months. He was Fire Chair last year; and before the City moves forward, they need to reassess what the building is going to be like with this new world. He thinks only good things could come from a delay of property purchase from the university. He has worked with the Chief and respects and appreciates him. The Board is not a property-buyer, and he would suggest contacting Shoreview and asking for their direction with their City Administrator because they are going to be taking the big piece of this. North Oaks has a small part, 12-13%, and the third vote. He believes the City of Shoreview and the Council has not moved forward, although he could be wrong.

Mayor Nelson asked Councilmember Long if he had any objection if the other two Councils approved moving ahead.

Councilmember Long said he thinks the City Council needs to review the matter. He stated he was on the Board, he was the Chair, he continued to ask about outside values, and he was strongly against the way the university was pushing them to make a decision. Before putting \$12-15 million into it, which was a couple years ago, he thinks it needs further study.

Mayor Nelson noted that the land purchase is what is being discussed, not the building purchase, which is an entirely different issue.

Administrator Kress confirmed that it is the land purchase. He said Staff has some information, but it has not closed yet so the City does not have a final dollar amount. Those negotiations are still underway between the Fire Department and Bethel.

Mayor Nelson stated the Chief wanted a sense from the City Council; he was not asking for a vote. He was wondering if there have been any significant discussions in the last month.

Councilmember Ries said she had information which might be beneficial. The debate has come about because of COVID-19 and economic changes. The Fire Department does not know where it will be at financially going forward. The building being purchased is a larger facility in Bethel on the campus. A new facility would be built for training and overnight, and eventually Station 4 would be closed. The Fire Department would be getting rid of costs and shifting over the work into the larger, brand-new station for training and it is more robust, etc. Chief Boehlke's biggest concern at this point is that if the Fire Department gives up the opportunity to purchase the land, there is very limited opportunity within the LJFD area to purchase land and put up a facility like this. His concern is if the LJFD passes this by, a good opportunity would be given up that checks a lot of the boxes, or land would be found but it would be far more expensive to purchase. She noted North Oaks has the smallest portion of the payment; she thought Shoreview has the largest portion. It is based on population and use of the facilities, etc. She said she would like to talk to Terry Schwerm in Shoreview to find out their concerns about it, and suggested a little more financial research and disclosure might be beneficial, especially going forward and funding it in the future, as far as looking at costs for maintenance, etc. If Shoreview is still on board in addition to the other city, she would be on board, too, since North Oaks has a lesser portion of the responsibility.

Mayor Nelson said Chief Boehlke stated Arden Hills was on board, which the Chief considered a major coup.

Councilmember Long stated there are some road pavement issues and infrastructure that has not been finished.

Mayor Nelson suggested either Administrator Kress or he would get back to Chief Boehlke to talk to him more and see what the situation is.

Administrator Kress said if the Council's perspective is that if the other two cities are on board, then North Oaks is, a motion would be appropriate to state that. Otherwise, a special meeting would need to be called, which can be done, but he needs to know that from the Council so he can direct Chief Boehlke as far as what to do.

Councilmember Kingston stated he agrees with Councilmember Long. If someone takes a look at what is happening from an economic perspective, there will be incredible changes in terms of the landscape for real estate. With people and businesses finding out what they can do in terms of remote employees and the efficiencies they achieve, it is going to be a completely different

market for property, especially for buildings. He is not saying that the City Council does not look at it long-term, but even over the next two months things are going to be drastically different. He does not know how the other cities are looking at it from a financial perspective; maybe it is from how their budgets were set 3-4 months ago. This is uncharted territory, and he thinks the Council should walk rather than run, and might end up getting a much better deal simply because of market changes. He is reluctant to move ahead at this time and suggested telling Shoreview, Vadnais Heights, etc., that he does not think the Fire Department will lose a big deal. There are not going to be people clamoring to buy that property right now with the state of the economy.

Mayor Nelson suggested having Administrator Kress find out from Chief Boehlke if there is a chronological crisis and if there is another offer on the property. He stated the City Council can have a special meeting if necessary. He did not realize until he talked to the Chief that it was so close to a purchase. He said he thinks the points were well-made, that things are changing.

Administrator Kress stated that was fine with him. He asked the availability of the Councilmembers the following Tuesday, because he has to give a three-day notice for a Special Meeting, and that is the same day that they were hoping to sign the Purchase Agreement.

Mayor Nelson said he thought Administrator Kress was correct, that it is early next week. He said he was clear in the evening but would have to check as to daytime hours.

Administrator Kress noted the Council can set whatever time it wants, but the City Council should give the Fire Department some feedback so they know whether to move forward or pull back from the Purchase Agreement.

Councilmember Long asked if Terry at Shoreview should be talked to or what the next step would be.

Administrator Kress stated he would be reaching out to Terry and Dave to see if they have had any formal action. His understanding is that they were comfortable moving forward and using reserve fund balances to fund the purchase. He does not know how long it has been on the table; he has only been aware of it since his time with the City.

Mayor Nelson suggested getting more information/facts and meeting the following Tuesday morning if necessary.

Administrator Kress said in the meantime he would send Councilmembers the draft proposal for purchase and the document he shared on the screen.

## **CITY ADMINISTRATOR REPORTS**

### **a. City Administrator Staff Report**

Administrator Kress stated he is looking for a motion and a second recognizing the emergency Conditional Use Permit (CUP) that he had to have the Mayor sign after a septic failure that was erupting into somebody’s yard at 34 East Pleasant Lake. City Code states the Mayor has authority to grant a variance for a septic in emergency situations, which was done. He thought it was appropriate for the Council to formally adopt that item.

**MOTION by Long, seconded by Ross, recognizing the emergency CUP signed by Mayor Nelson for property located at 34 East Pleasant Lake. Motion carried unanimously by roll call.**

**CITY ATTORNEY REPORTS**

Attorney Nason said COVID-19 is wreaking havoc everywhere, including cities who are struggling with the new reality. She had no further comments unless anyone had questions.

**MISCELLANEOUS**

Mayor Nelson asked Administrator Kress if the items under “Miscellaneous” had to be reviewed, since they had only dealt with one item.

Administrator Kress said those items are typically for updates, commenting that Staff has been putting minutes, smaller updates, and miscellaneous items at the end of the meeting just so the Council can be aware of them. No action is required other than the item already taken care of.

Councilmember Ries asked if the Council took action at the beginning on the filed Code of Conduct violation/complaint.

Administrator Kress responded there was no formal action taken by the Council.

Councilmember Ries asked if the Council has to take a formal action.

Administrator Kress answered no and added that at this time it would not be appropriate, since the agenda item had already been passed by.

**ADJOURNMENT**

**MOTION by Kingston, seconded by Long, to adjourn the Council meeting at 9:39 p.m. Motion carried unanimously by roll call.**

*Kevin Kress*  
\_\_\_\_\_  
Kevin Kress, City Administrator

*Gregg Nelson*  
\_\_\_\_\_  
Gregg Nelson, Mayor

Date approved June 11, 2020