

Communication Meeting
Minutes
October 25, 2021

Meeting Opened at 6:00 PM

Members attended: Mayor Pilon, Councilmember Alders, Councilmember Blake, Councilmember Greenberg, Councilmember Rainville

Also in attendance: City Clerk/Treasurer, Lori Streich; Deputy Clerk, Ellen Lendt; City Attorney, Bob Ruppe

6:00 PM

Mayor Pilon opened the meeting. Stated agenda is communication meeting, Identification and transition of staff responsibilities, and authorization to fill staff responsibilities on an interim basis.

Communication

Attorney Ruppe requested that the Communication item on the agenda be tabled by the City Council. There are some communications between Staff and Council. The staff that have resigned have put their concerns in several letters of resignation and in a letter that was emailed to him, mailed to each Council Member, identifies that staff members have sought legal counsel. Ruppe's advice is to table this until a later time while this matter is ongoing, and his advice is to not have any communication with any staff at this time regarding any grievances. Council knows what the issues are because they are in writing. Even with staff that is not resigning, Ruppe advised that it is not in the Council's best interest individually or as a group to have any discussions at the present time regarding these issues. There will be a time to revisit this at another time, and the issues must be addressed moving forward. Glaze asked when this would be dealt with as this has been going on for 16 years, and he asked when it was going to stop. Pilon stated that this is not a public hearing.

Rainville made the motion to remove the Communication piece from this meeting; Pilon 2nd.

Discussion: Greenberg asked what Council would be discussing for the meeting tonight. Pilon responded that they would discuss the identification and transition of staff responsibilities in light of the responsibilities, and authorization to fill staff responsibilities on an interim basis. He agreed that they can hear from staff that is being retained, and there will be an opportunity, likely when we get an interim.

Council Member Alders stated this is crazy, because there is a whole room full of people that came to the meeting for this Communication purpose – he does not agree with the Attorney's recommendation. Alders said that the Attorney is not on the Council and does not have a motion. Greenberg asked

Blake stated that this was published as a Communication meeting, and the recommendation is to table the item they all came out for? Pilon said that we didn't say they should come out for this, and Alders said that it is an open meeting and the public can come. Alders said there are two staff members remaining, and they should have the opportunity to speak. He does not agree with the recommendation. Ruppe started to respond to Alders, and Alders stated that he is not on the City Council and this is a City Council discussion. There is a motion and a 2nd. Pilon said that he can recognize speakers, and Ruppe is representing the City as the attorney. Greenberg asked if the Council goes ahead and discusses the communication item on the agenda, could they implicate themselves as a City and possible legal action. Ruppe responded yes, and that is why he is recommending that this item be tabled. He believed that any comments made by staff could be used against the City in future litigation, and any comments Council may make either in defense of alleged actions or responding to any questions from staff or comments from the public could also be used against them. Blake said that this meeting was presented as a Communication meeting, so the Council is under false pretense to all of a sudden say it will not be a Communication meeting. Also, she doesn't think the Council needs to respond to whatever the staff member has to say. No one needs to say anything in rebuttal. If that would cause trouble for the Council, then they should be quiet after his comments, let it ride, and go on to the next action.

Pilon said that when this meeting was first noticed last month, it was for communication between the Clerk/Treasurer and the Council, not all staff. Clerk Streich and Deputy Clerk Lendt both agreed that it was all staff. Pilon said he didn't see that anywhere on there. Streich said it has always been all staff and Council. Pilon said they have been having these meetings throughout the summer and it has not been all staff. Blake stated that there have been no communication meetings. A resident stated that this is the problem, and Lendt told Pilon that he is twisting things. Greenberg said he was comfortable with Blake's recommendation to allow Glaze to speak his mind. Ruppe still insisted that there is a risk of litigation, and he does not see a benefit from the city at the present time. The City is well aware of what the issues are that need to be addressed, as these issues, the allegations addressed in these letters, have been going on for a while. His

professional advice is that the less said the better. If the City does get sued by a staff member or someone else, the City will be covered by the League of MN Insurance Trust, but the City also has a duty to the LMC Insurance Trust to not hinder them. He is trying to preserve all the City's rights and all of League's ability to fully defend the City. When the Communication meeting was posted there was not this potential issue, but now that there is he is making this recommendation. However, it is up to the Council to make that decision.

Administrative Assistant Lorenzen addressed Attorney Ruppe, and Pilon stopped her, saying this is not a public hearing. Lorenzen stated that she is staff and knows her legal rights. If her name is on a document saying that she is filing a lawsuit, she did not file a lawsuit. Legally, she did not do that, and if she is on a document, she should know that someone is misrepresenting her. She was assured that she is not on the documents. Pilon insisted that this is not a public hearing and would not allow Lorenzen to speak.

Blake said that what bothers her is the very comment that was just made, saying that "We should probably address these issues." That is the problem – nothing gets addressed, and nothing changes. That's why the City is losing its staff. It is not a *probably* anymore, it is a *must*. This has been going on for a very long time and never gets addressed. Ruppe said that he agrees it is a worthwhile endeavor to address staff concerns. The staff that are leaving have stated very clearly their grievances in the letters he received. Two of the three that are resigning have signed a letter stating that they have talked to a lawyer, and potentially are looking at litigation. As a lawyer, his recommendation is to circle the wagons and not address things right now. Greenberg asked that since Glaze is not on their letter, could he speak? Ruppe said that it potentially would be part of their suit if he makes comments that bolster their claims and allegations. If there is actually a lawsuit, it will all be handled in the discovery phase and hearings and trials of this matter. Pilon stated that if the only resolution to it is that a couple council members resign, then that would not be resolved tonight.

Greenberg asked for Alders' opinion. Alders said that staff should be allowed to speak, and that is how he is going to vote. There is nothing wrong with letting him speak. Alders said he understands the risks, and he also understands that citizens want to see transparency, and if this gets to court and everything is in discovery, the citizens would not understand what is going on. Pilon didn't understand why they would not understand, and Alders responded that this is his opinion.

Greenberg said he has read all that the staff has put forth in their letters. His concern is that more information is going to come out now and be added to what is being said. Alders replied that it would come anyway. Ruppe agreed that it will come, and repeated his professional advice, but the decision is up to the council. **Rainville called the question.** Pilon restated the motion to table the Communication piece until at least an interim administrator is in place to bring resolution to the concerns that have been raised. **2 in favor – Rainville & Pilon; 3 against – Alders, Blake & Greenberg. Motion failed.**

Greenberg said that he thinks Public Works Supervisor Joe Glaze wanted to have an opportunity to speak. The council will remain quiet on this particular subject and not respond but move on to the next items on the agenda. Glaze has a legitimate option to be able to speak. Blake and Alders agreed. Discussed the length of time Glaze should be allowed to speak. Suggested 3 minutes; Blake said that this is a communication meeting so he should have more than that – but no more than 10 minutes. Rainville asked Greenberg to clarify what he meant by saying "we feel that Joe should speak." Who is the "we"? Greenberg said that he would be in favor of it, and Blake and Alders agreed. Rainville just wanted clarification if there were conversations beforehand in violation of the open meeting law. Rainville requested that Ruppe repeat his recommendations that this is not a good idea, and Ruppe responded that he thought he had made himself very clear tonight. He doesn't think it is the route to take, but he respects the Council's right to make the decision and will defer to the Council.

Alders suggested Glaze have up to 10 minutes, and members agreed. Pilon gave Public Works Supervisor Joe Glaze the floor.

Glaze said his complaint was that this stuff has been going on for 16 years. Pilon and Rainville have been harassing people, creating a hostile work environment, and micromanaging. Ten (10) people have quit, and he has heard many stories why, but the truth is that it is because of Pilon, or Pilon and Rainville. All the ladies that have quit would come back if the two of them would resign. Both have been a pain since they were elected. He would like to see Pilon and Rainville do the right thing and resign. That's it. Short and sweet.

Residents applauded.

Pilon presented the recommendations from the League of MN Cities he submitted at the beginning of the meeting that were before the council.

Item #1 is to ask staff to prepare a list of recommendations on important and immediate priorities that must be take care of during the interim period.

Item #2 was to call this special meeting with the attorney present to discuss questions about the transition.

Item #3 option to reach out to neighboring cities for interim assistance, and council should discuss contract parameters so there is no delay in service.

Item #4 is to retain an interim administrator as promptly as possible, identify the nature of work and priorities, scope and intent.

Item #5 makes recommendations regarding interim financial services.

Motion by Pilon to ask Staff to do Item #1; 2nd by Alders. All in favor. Motion Carried.

Council had previously authorized the hiring committee of Pilon & Blake to interview interim administrator candidates. They interviewed one today and have another one tomorrow. If one candidate appears acceptable to both Blake and Pilon who are representing both sides of the spectrum, and the contract is approved by the City Attorney, Pilon asked for the Council to authorize their recommendation for interim administrator. **Motion by Pilon to authorize in advance the Hiring Committee (Pilon & Blake) recommendation for Interim Administrator, upon approval of the contract by the City Attorney.**

Alders asked how this worked, and it was explained to him that the League supplies a list of experience, retired Administrators, who will come as an interim to keep things going, help the Council communicate what it is looking for, and will work to help search for full-time replacement. The interim comes with the understanding that at the same time, the Council is looking for a full-time replacement. Pilon said in this case, the interim would also work with Council on staffing issues. Ruppe said that the length of time and terms are usually negotiated with the interim administrator. Blake said that if the council is not comfortable with the two of them making the decision, they can call a council meeting to approve it. Pilon said it would delay the process. Greenberg said he is comfortable with the hiring committee making the decision in the interest of expediency; Rainville & Alders agreed.

Motion 2nd by Blake. All in favor; Motion carried.

Pilon would like to have an interim administrator come in and work with staff to close out the week before they leave. However, if that is not possible, or even if it is possible, Pilon proposed that the City Attorney participate with the City of St Francis and potentially an interim to close out the week with Nowthen Administrative staff to hand off all appropriate codes, keys, and transitional things that need to be done.

Ruppe asked for clarification that Pilon was recommending asking the City of St Francis Administrator and staff to take any necessary actions to issue payroll until an interim administrator can be retained to take over such duties. Pilon said yes, and also to have Ruppe and St Francis and the potential interim work with staff on the handing off of responsibilities to be arranged this week. He made that his motion; 2nd by Rainville.

Currently the City has administrative contract with the City of St Francis to deal with the Fire Department. Lendt asked if the attorney would be charging \$150/hr. to work in the office and stated that this is a legitimate question. Blake asked why the attorney would be in the office, and she was told that was the motion. Blake stated that she did not understand why the attorney would be needed in the office if the interim was in there. Pilon said just to make sure there is a handoff, and that the attorney would represent the city in the handoff. Blake said that maybe a Council member can go in there, as it would not cost the city anything for that.

Clerk Streich asked Pilon for permission to speak, and he said she could speak. Streich stated that City staff will in no way leave the City Office a mess. Staff members are residents of this community too. We care about the community, and we care about what happens here. We are doing everything we can to make sure things are complete before the next people come in. Staff reputation has spoken volumes with the residents, and with other staff members. Whoever is coming in, we will make sure they are set up to do a good job and to succeed, because we our names are all over the city documents too. We have worked hard to leave a good legacy and will not leave the office a mess. It will be left in proper order. Pilon said this is not about anybody failing. Streich said that she put her notice in 30 days ago, and unfortunately, Council is just now talking, the last three days staff is in the office, about finding someone to handle these things. Pilon disagreed because the situation changed after her 30-day notice stating that she would be training staff to take over, and then they got the resignations of the rest of the administration staff. Streich said she did not know that would be happening, so the

intent of her resignation was to train staff so there would be a nice flow when she left. A full week has gone by before today, but Council is just now starting to interview. Staff would be happy to help Blake, Alders or Greenberg in the office to watch what staff is doing, training an interim, and show them where everything is located. They would not be authorized to issue payroll, so Streich said she would work with St Francis for payroll.

Pilon changed his motion to start with St Francis coming in and identifying what they need in order to do payroll for Fire Department and City staff. Greenberg liked the idea of St Francis helping with payroll, but he is not available to help in the office. Alders asked if the City has reached out to St Francis to see if they are willing to do this. Pilon said they are contractually obligated as far as the Fire Department and believes that they will be willing to help if Council sees fit. Alders asked Blake if she had time to help out in the transition for the next few days. Blake asked what was involved in helping with the transition. Pilon said it would involve getting keys, codes, bank accounts, and who is taking the handoff since no one is prepared to receive the handoff. Streich said that is Council's decision who to bring in for that handoff. Staff does not pick who to hand off to, Council tells staff. Pilon said that is why he is recommending Ruppe. If an interim administrator is hired by that time, then that individual would be there for the handoff. Blake said if the interim is in place in time, then she would go in and record the handoff information. If the interim is not there in time, then she is wondering if Pilon is suggesting that Ruppe should be there for the handoff.

Ruppe suggested that the St Francis administrator be asked to come over and help with the transition, since he knows that he is expensive to use, and more heads are better than one. He would much rather do a road project with the City, but he will do his job. He may not know what questions to ask, where someone familiar with the job would know the right questions. Someone needs to be authorized to talk with St Francis, just in case there is a need for their services on Thursday, October 28, 2021. Blake said that the interim that was interviewed today was willing to help, and the other one tomorrow may be willing also. If neither of these candidates are able to come, then St Francis would be called to help. Ruppe also recommended a 2nd motion authorizing the SF Administrator to take any action necessary as the interim Nowthen City clerk/treasurer until the interim administrator is hired and up to speed.

Lisa Lorenzen tried to speak a number of times, but Pilon never allowed her to speak.

Greenberg asked Blake & Alders if they were comfortable with the attorney coming into the office, or should the Council not have Ruppe in the office. He said he trusts Ruppe and the City Clerk and City Staff, so is comfortable either way. Ruppe isn't as comfortable with the "knobs and dials." Blake asked for clarification - if the interim admin is chosen and would be willing to come in Wednesday and/or Thursday, does Council still want SF admin to be there too? Pilon said that is his suggestion. Additional cost and contract would be needed for services beyond the contract involving Fire Department administration.

Rainville asked that Ruppe's name be included in the motion, but if he isn't necessary to be there then he wouldn't be there. Ruppe said, basically he would be "on call" on Wednesday and Thursday.

Alders clarified that the 1st thing would be to look at trying to hire someone between now and Thursday to do the handoff with current staff. Also, Council will authorize the City of St Francis to handle payroll for Fire Department and potentially City staff. If no one can be hired by Wednesday or Thursday with a decent handoff, then the City of St Francis would be contacted to authorize interim City Clerk/Treasurer duties and be authorized to sign documents. If that all fails, then the attorney would be contacted to go to the City office for the handoff on Thursday. Attorney would also be engaged to review any contract.

Clarification and discussion continued. Ruppe recommended asking St Francis to participate in the handoff.

Motion by Pilon to authorize himself to contact St Francis to come help with the transition in the Admin office this week until the new Interim Administrator is up to speed. If they need some remuneration that would be left to the discretion of Pilon and Blake. St Francis would work with Staff in the transition as well as the Interim Administrator if available for transition; Council will approve the Interim Administrator recommendation from the committee; proceed with engaging St Francis to be able to sign payroll and engage as a potential interim until the Interim Administrator is up to speed, to work with staff on transitioning and if an interim is available prior to staff departure, have the Interim also participate; 2nd by Rainville. All in favor. Motion carried.

Pilon made the motion to authorize Interim Administrator, whether SF on the short term or a new Interim retained, to engage staff appropriately to cover responsibilities needed here at the city; 2nd by Blake. All in favor. Motion carried.

Ruppe advised Council that if a Council Member were to work in the office and wants to be paid, it would require a unanimous Council vote with the interested person abstaining, and a Resolution adopted to address the conflict-of-interest concern. If no remuneration is sought, there is no need for that.

Blake asked where volunteers would be found to work in the office. Lorenzen asked permission to speak again, but she was not allowed to speak.

Rainville made the motion to authorize Interim to determine, based on staffing, to adjust hours as needed during the transition. 2nd by Alders. All in favor. Motion Carried.

Blake stated for the record that we appreciate Clerk/Treasurer Lori Streich, Deputy Clerk Ellen Lendl, and Admin Asst Lisa Lorenzen, and the weeks and time you have put into the City, your dedication, and your hard work. I know that your concerns are very sincere to see this City succeed, and we as a Council do appreciate you, even though these are tough times. We appreciate you. We appreciate what you have done, and we want to thank you.

Residents applauded.

Rainville made the motion to adjourn; Blake 2nd. Meeting adjourned at 7:02 PM.

Respectfully Submitted,

Lori Streich, City Clerk/Treasurer

Jeff Pilon, Mayor

UNOFFICIAL