

WILLMAR CITY COUNCIL PROCEEDINGS
LABOR RELATIONS ISSUES
WILLMAR, MINNESOTA

April 8, 2015
4:45 p.m.

The regular meeting of the Willmar City Council was called to order by Vice Chair Jim Dokken. Members present on a roll call were Mayor Calvin, Council Members Ron Christianson, Andrew Plowman, Denis Anderson, Rick Fagerlie, Jim Dokken, and Audrey Nelsen; Present 6, Absent 2. Council Members Tim Johnson and Steve Ahmann were excused from the meeting.

Also present was City Clerk Kevin Halliday.

Council Member Christianson made a motion, seconded by Council Member Anderson to go into closed session pursuant to Minn. Stat. §13D.03 to discuss labor negotiation strategies. The meeting was closed at 4:46 p.m.

At this time City Clerk Kevin Halliday was excused from the meeting.

The meeting was reopened at 5:20 p.m. on a motion by Council Member Fagerlie, seconded by Council Member Christianson.

Council Member Nelsen moved to recess at 5:20 p.m. and reconvene at the Fire Station. The motion was seconded by Council Member Fagerlie, which carried.

The meeting reconvened at the Fire Station at 5:27 p.m. by motion of Council Member Christianson, seconded by Council Member Fagerlie, and carried.

Also present at the reconvened meeting were City Clerk Kevin Halliday, Finance Director Steve Okins, Planning and Development Director, Bruce Peterson, Public Works Director Sean Christensen, and Fire Chief Gary Hendrickson.

Item No. 1 Council Member Dokken opened the meeting with comments from the public. Steve Gardner, 2645 SW 19th Avenue, addressed the Council stating he was once a member of the Labor Relations Committee of the Council. He opined that the Labor Relations Committee should have handled the issue of the separation agreement with the City Administrator, which would have avoided three members of the Council being unaware of the pending action. Not the way to conduct City business.

Jessica Rohloff, 3501 SE 15th Avenue, a member of the League of Woman Voters, stated the first step in fixing any problem is to acknowledge the problem exists and there is definitely a problem in Willmar with our current labor relations practices. She summarized that in 2012 the City settled a discrimination and breach of contract lawsuit for \$200,000 and in 2014 another discrimination lawsuit for \$115,000 and now in 2015, obligated to pay \$176,000 plus accrued sick and vacation time. These numbers do not include the legal fees for representation in these lawsuits. If there were truly performance issues for this behavior, then what is the reasoning for paying out these settlements? There seems to be what economists call moral hazard, which occurs when a person's actions become disconnected from the consequences of these actions. Citizens have taken little or no action. Let this be no more, let us call on our elected officials to change the way business is being conducted. We want a thriving City that attracts professional jobs to the community and conducts business in a legal, respectful and professional manner.

Warren Erickson, 1717 Upper Trentwood Drive NE, had several questions he asked the Council to address. First he hears that Council Members cannot speak to the issue of why Ms. Stevens is being dismissed, his question is this, will that come out once her contract on the 17th is terminated, or will that still

be privileged information between the Council and Ms. Stevens? Secondly he commented he feels slighted that representatives of his ward were not involved in the decision making. Lastly he commented that about two years ago on a television program Brian Williams had a former Senator on his show and he asked him what is so different today in Senate than when you were in the Senate? He said the biggest difference was they would still both argue on the floor over a bill, but after they would go out for a drink or eat as a group, but they met as individuals and got things accomplished. He commented on how it goes back to when Gary Geiger approached the Council about civility. He pleaded to the Council to work together.

Cheryl Plathe, 2712 NW 12th Avenue, stated it hurts just to watch how the Council treats each other. An example was the motion to adjourn at the last Council meeting, when someone doesn't want to talk about the issue any more in the midst of discussion. You need to treat one another with respect, and then you will earn the respect of the people you are serving.

Chris Newcomer, 3406 Eagle Ridge Drive West, agreed with what was said by those submitting public comment before her and looks for improvements.

An individual whose name and address was inaudible addressed the Council during Public Comment. He stated as far as the request from the Department Head Group, Mr. Peterson should be paid more for doing both jobs, but the City has significant financial fallout from the City Administrator transition and I recommend the City investigate other ways to compensate Mr. Peterson rather than a direct cash payout. We have significant monies leaving the City coffers. Related to the transition I would recommend the Council hire an Interim Administrator from the outside for a period of six month to give the Council time to conduct a reasonable search for a full-time replacement. Lastly, the Council should know it will be met with skepticism until it earns that trust back.

Merle Berkeland, 1600 SE 7th Avenue, came before the Council stating he is close to City Government and watchful of what goes on. He is ashamed as to what has happened because we are being scrutinized by the rest of the State and not in a good way. It's to the point of when a facilitator comes to our City it takes but a few hours for them to state we are dysfunctional. We need to attract business to Willmar and this is not the way to attract people to Willmar. High on the suggestions from the Town Hall meeting was the suggested recall of five members of the Council. Where are we going to find people to run for office? We need to earn their trust and we want good people. It appears this Council has slipped a little bit and we have to work hard to re-earn that trust and find good people to run for office to reestablish the reputation that Willmar, Minnesota had in the past.

Rachel Skretvedt, 1504 NE 2nd Street, commented she was present to show her support to move Willmar forward. She has lived in many communities and has now been in Willmar for four years and this by far is the most dysfunctional city. She is raising three young children and wants them to have opportunities, and things to do. She has become a member of the Park Board to make a difference. You cannot neglect the youth. She urged the Council to listen to the people.

Council Member Dokken thanked the public present for their comments and attendance. Mayor Calvin thanked them as well and communicated that he believes as a Council they want to do what is right for the community. Again they have heard the public wants them to work responsibly and respectfully. It is time to prove to the community that the Council can do the right thing. Let us put the past behind us, and if there is a disagreement, go out for coffee – and get down to the business of the people.

Item No. 2 Council Member Dokken noted a request from the Department Head Group regarding a Memorandum of Agreement regarding Section 14.2 of Article XIII of the agreement whereby Planning and Development Director Bruce served as Acting Public Works Director for the City for a period of approximately 18 months. The agreement does allow for a temporary one-time pay adjustment for additional duties assigned during that time period. This matter has been informally discussed by the bargaining team and staff would recommend that the request for a one-time payment of 6% of annual salary for the 18-month period be given. This would not be added to the base wages. Council Member Fagerlie offered a motion to

authorize the execution of the Memorandum of Agreement as presented. Council Member Plowman seconded the motion, which carried. Council Member Anderson did request the Memorandum of Agreement be reviewed by the labor attorney prior to execution.

Item No. 3 Discussion was held by the Council on Interim Administration once City Administrator Charlene Steven has left the employment of the City. Council Member Fagerlie made a motion to appoint Kevin Halliday as Interim Administrator until a permanent one is hired. Council Member Christianson seconded the motion.

Council Member Anderson questioned the motion's intention of interim. Is it until there is a more permanent part-time or Interim Administrator, or is this until we hire a permanent Administrator?

Council Member Nelsen expressed her concern of picking someone from within. She felt the City needs to look outside the organization for help. There are pending negotiations with the Department Head/First Line Supervisor/Confidential Employee Group with an unsettled contract. More fair to finish the contract first and not cause turmoil.

Council Member Christianson opined we have time to discuss whether or not we will go outside for help, but City Charter states the City needs two people to sign checks. We need to appoint someone now and the City Clerk normally fills in when the City Administrator is gone.

Council Member Plowman questioned if there was a way to structure the motion to meet the needs of both Council Members' comments. He understands the need for timeliness, but also for the community by exploring all options.

Mayor Calvin felt the Council was at a crossroads. He expressed his thoughts there can be someone appointed from within or appoint someone from the outside that can come in. Also we can look at allowing Department Directors to do their job, make a motion to have someone to sign checks and move forward with that process. We need to have transfer of knowledge. We need someone to communicate with the current City Administrator, we have one week from today.

Council Member Anderson stated he liked the way Council Member Plowman was thinking and finding a way to structure this. He expressed his concern of placing someone from staff in this position in the midst of negotiations. It puts them in a terribly awkward spot. He struggles putting a member of the staff in this position. He agrees the idea of putting an interim in place rather than rush into finding a permanent replacement. Would like it structured on a more temporary basis and move forward with a longer term interim.

Council Member Nelsen asked the Mayor to elaborate on what can be done. Mayor Calvin stated there needs to be action by April 16th, putting an Administrator in place. He suggested for now the City could put someone in place to fill the position and then look elsewhere such as checking with the League of MN Cities to assist the City with a recommendation or an outside Interim Administrator.

Council Member Christianson mentioned that at the meeting there are just six of the eight Council Members and stands by the motion to place Kevin Halliday as Interim Administrator for now. The Council can discuss when all members are present at any upcoming meeting.

Council Member Nelsen stated Council Member Fagerlie made the motion and requested clarification if it would be for a long period of time until we hired someone. What is being discussed is different than that motion.

Council Member Plowman stated there is an opportunity here to forge ahead in one direction or find a healthy compromise, which he believed would involve a short-term basis structured solution along with a more long-term plan that can be formulated at a later date. The Council can put a timeline of events on things

that the public would be more comfortable with and stick with the timeline and gain trust and credibility back in the community.

Council Member Fagerlie amended the motion to two months. Council Member Christianson seconded the amending motion.

Council Member Nelsen stated she felt two months was too long for an Interim Administrator. The City needs to find someone sooner.

Council Member Anderson was hoping the Council could come together and have a unanimous vote on a motion. He amended the amended motion to appoint Kevin Halliday as Interim Administrator for a period of not-to-exceed four weeks. Council Member Nelsen seconded the motion. Council Member Fagerlie asked for clarification of an effective date for the start of the four-week period. Council Member Anderson added the effective date of April 16th to his motion. Council Member Nelsen, who had seconded the amendment to the amendment, agreed to the date. The motion carried.

Mayor Calvin announced they have heard by from Bruce Miles and he is able to present the Town Hall Meeting materials to the Council at the first meeting in May.

There being no further business to come before the Council, the meeting adjourned at 6:10 p.m. upon motion by Council Member Fagerlie and second by Council Member Christianson.

Attest:

MAYOR

SECRETARY TO THE COUNCIL