

**CITY OF KETTLE RIVER
CITY COUNCIL MINUTES
May 30, 2018**

The special meeting of the Kettle River City Council was held in the meeting room of City Hall, Wednesday, May 30, 2018.

Members present: Tina Tollgaard, Kris Miller, George Klaskin, David Lucas and Jason Montgomery.

Absent: None

Staff Attending: Bernadine Reed, City Administrator/Clerk-Treasurer.

Others attending: Marcia Sarvela, Todd Lawrence, Morgan Yeats and Mark Grave.

Klaskin called the meeting to order at 6:00 p.m.

Purpose of the special meeting is for preliminary consideration of allegations or charges involving an individual subject to the Council's authority. The meeting may be open at the request of the individual subject to the Council's authority.

Councilor Lucas stated that the personnel committee (Lucas and Miller) have completed their investigation of personnel issues. Lucas read legal advisement concerning the meeting to the Council. Lucas asked that Klaskin remove himself from chairing the meeting and allow Acting Mayor Tollgaard to chair the meeting. Klaskin requested under what authority Lucas is making the request to remove him from chairing the meeting. Lucas explained that as the subject of the complaint it is inappropriate for him to chair the meeting. Lucas stated that it is direct conflict for Klaskin to chair and participate. Klaskin repeated under what authority is Lucas using to remove Klaskin from chairing the meeting. Klaskin refused to remove himself as chair and discussion participation during the meeting. Lucas motioned that Klaskin be removed as chair as he is in direct conflict of interest being the subject of the harassment/bullying investigation. Klaskin informed Lucas that his motion is an illegal motion; Klaskin stated that as the chair it is his job to point out legalities of motions, according to state statutes 412.191 subdivision 2 the Mayor or in the Mayors absence the Acting Mayor shall preside over meetings, so he is the chair by law. Klaskin stated that it is also pointed out in LMC publications in number of ways that the Mayor is the presiding officer of the meeting and as the presiding officer has control of the meeting. Klaskin stated that he is the chair, and no one can take that away from him, so Lucas's motion is an illegal motion and fails. Lucas stated that he felt it was unethical for Klaskin to chair the meeting.

Klaskin stated that he feels the Council has no authority over any other Councilor, that they are not supervisors over each other and cannot treat Klaskin as a subordinate.

Klaskin stated that it is unethical that City resources are being wasted in this silly charade of kangaroo court with absolutely no evidence or due process or fairness. Klaskin stated that this is the first time he has heard of this harassment issue. Lucas stated that the purpose of this meeting is to review the personnel committee's finding of their investigation and that Klaskin has been aware of the harassment/bullying investigation.

Klaskin stated that he will reclude himself from the vote, but he will chair the meeting and participate in discussion.

Montgomery inquired if the meeting was going to be open and closed. Lucas moved that the meeting be closed. Klaskin stated that it is his choice and he is requesting the meeting be open.

The personnel committee distributed copies of the initial complaint, supporting documentation, Klaskin's newsletter and a written summary of their investigation.

Tollgaard moved that the camera be turned off, Klaskin stated that Tollgaard cannot make that motion and the camera will not be turned off. Klaskin read an LMC opinion of recording the meeting. Klaskin stated that the camera goes and that his attorney will want to see the slander that is going, he has already contacted an attorney and he has a case. Lucas stated that Bernadine should obtain a lawyer as this meeting is going anywhere. A discussion cannot happen with Klaskin's interruptions.

Klaskin stated that he hasn't had time to review the paperwork and before he can defend himself he would need to review the complaint. Lucas stated the Klaskin had been requested several times to provide an interview for the investigation and he declined. Lucas stated that this meeting is for discussion of the other Council members to review the investigation and decide about discipline if any.

Lucas informed Bernadine to get an attorney again, Klaskin stated please do it is about time that someone else's money is being spent rather than the taxpayers. Klaskin stated that he could have told you everything that was in the letter from the attorney and it comes at a cost from the attorney, it is an inappropriate use of funds for a personal vendetta.

Lucas read the timeline and summary of the requests for information. Lucas read e-mail exchanges between Klaskin and Reed.

Klaskin requested where the definition of harassment came from. Lucas stated that the definition used for the complaint is "the act of systematic and/or continued unwanted and annoying actions of one party or a group, including threats and demands. The purposes may vary, including racial prejudice, personal malice, an attempt to force someone to quit a job, or grant sexual favors, apply pressure to collect a bill or merely gain sadistic pleasure from making someone fearful or anxious." Klaskin and Lucas debated the definition and how it applies to the complaint. Klaskin and Lucas debated timelines of financial requests and compliance.

Montgomery asked for the initial request of the investigation, Tollgaard presented it to him. Clarification of timeline and dates. Lucas stated that Klaskin had been given several opportunities to meet with the personnel committee and declined.

Montgomery stated that the initial complaint was September 7th; September 12th the Council asked the personnel committee to investigate the complaint. Montgomery stated that any actions reported after September 12th should not be considered in the investigation. Miller stated that the investigation was ongoing since September. Lucas stated that in his opinion making multiply public statements that financial information is not being provided, when it clearly is, meets the definition of harassment. Klaskin intervened and stated that he did not receive the information. Lucas stated that information is on the Council table or has been provided to Klaskin. Klaskin stated that the information that he is requesting is public information and that it was purposely evasion of providing the information. Klaskin accused the clerk of foot dragging and obstruction.

Klaskin stated that the Council didn't want him to have financial information, Tollgaard requested an explanation of that statement. Klaskin continued that the Council is the bosses of the city staff and by Council inaction when an employee does not provide information they are accepting the delay. Lucas stated that there is not foot dragging and financial documents have been provided.

Montgomery stated that the budget committee held one meeting since formation in January 2017 and had reviewed information provided by the Clerk. Tollgaard asked why a report from the budget committee has not been presented to the Council. Klaskin stated the fact is that requests have been delayed by foot dragging.

Klaskin stated that he takes issue with the assumption that the Council has any authority over him but to draw a close to this fiasco, "the only thing that you can do to me if I go with the assumption of your authority is to censure me which is basically shame shame naughty boy thing there is no action you can take, you cannot take away my birthday, you cannot restrict me in any way from what I do as Mayor, I am an elected official it would take a recall, at the worst you guys are guilty of slandering, you guys are putting together this scenario that is based upon absolutely no evidence that would hold up in a court of law, I am going to ask for copies of everything presented here so that I can put it in my file and see what I am going to do with it. So, I am formally requesting is there a problem of me getting copies of these documents."

Montgomery asked for a copy of the Mayor's newsletter.

Klaskin asked when he can get a copy of all the paperwork. Lucas stated that a vote has not been determined of action. Klaskin read the e-mail from the attorney and stated that from the e-mail he feels he should receive the documents presented immediately.

Klaskin moved to adjourn, no second.

Tollgaard stated that if actions after the initial complaint are not being considered should documentation from those complaints be released. Discussion took place about the process. Montgomery asked if the date of 1/3/17 should be 1/3/18; Lucas stated no it is 2017. Discussion and review of the paperwork continued. Lucas read an e-mail

exchange from 1/3/2017; between the Mayor and Clerk. Discussion followed about the timeline.

Montgomery asked for the paperwork that included a request of action from Reed. Lucas provided the information.

Lucas stated that he felt the public statements that financial documents not being provided when they are being provided is harassment/bullying. Klaskin interrupted that he has not received the information. Discussion again that all information requests have been provided.

Klaskin stated he may recuse his recusal on any vote.

Montgomery asked about the request of no contact with the Mayor, he thought the Council had already approved this request. Klaskin stated that no it was a resolution and that it included in the Council information and it is a toothless resolution. Discussion continued of the contact and authority to contact staff.

Klaskin opened the meeting to the public. Todd Lawrence stated that he felt if the Mayor would apologize things would improve. Lawrence stated that Klaskin told him that he (Klaskin) can't prove it but he believes Reed is taking money. Lawrence stated that the only reason Klaskin wanted to become Mayor was to fulfill a personal grudge. Mark Grave asked Klaskin when was the first time that financials were requested. Klaskin stated that he requested financial information on January 3, 2017. Grave repeated his question. Klaskin stated January 3, 2017. Grave asked when did he receive financials, Klaskin stated months later. Grave asked if the LMC was contacted to ask how long it should take, what did they say, Klaskin responded within a reasonable about of time, Klaskin stated he talked to Jeannette Behr, LMC and she was surprised how long it took. Mark Grave stated that he is a friend of Klaskin and that they talk about things but if you ask and ask and it can be a pain and the solution would not be an apology but to provide the financials that are asked for.

Lucas asked Reed if there was any private data in the financial request. Reed replied that she did not recall as there have been multiple information requests that have been provided for Klaskin. Reed stated that all of Klaskin's financial requests have been provided.

Klaskin stated that his request was from January 3, 2017 and not provided until September. Reed stated that is a false statement the January 3rd request was provided in February.

Miller asked when the budget meeting was scheduled. Klaskin made several statements about the timeline and excuses. Confusion of timelines and requests were discussed. Miller asked for clarification of the statements made by Klaskin that he was being denied information. Lucas stated that Reed had offered repeatedly to attend budget meetings to provide clarification of financial questions.

Montgomery asked if there is a legal opinion of the authority of the Council to conclude this investigation. Montgomery stated that one of the desired outcome is a reprimand, can the Council reprimand the Mayor. Lucas stated that he asked the City Attorney what happens if the Council arrives at a reprimand he stated that the Council can arrive at a reprimand, but the Mayor does not have to follow it. Lucas asked the City Attorney what is the purpose of arriving at a conclusion, he stated that if Reed decided to take legal action it provides that the Council did the investigation.

Klaskin stated that from his research the worst the Council can do is censure, shame on you, naughty boy or naughty girl. Lucas stated that the purpose of this meeting is to decide if the Council agreed with the personnel committee's investigation conclusion.

Klaskin stated that taking any action does not fall into the reason for the meeting.

Tollgaard asked if the information should be taken home and presented at the next meeting. Miller asked Klaskin to look at the language in his newsletter. Klaskin stated again that he did not receive the information. Miller stated it is comments like that that you are making to the public that is the problem. Miller stated every meeting there is criticism of the minutes, Lucas stated that at every meeting Klaskin criticizes the minutes and Bernadine's work. Discussion of berating an employee in the public. Klaskin defended his criticism of the minutes. Montgomery stated that this discussion could continue, what is the opinion of the conclusion of this meeting. Analyzing of the terminology of the purpose of the meeting continued. Montgomery stated that he felt the Council could decide upon whether they felt that there should be future discipline, several information items were presented and the desired outcome. Lucas stated he felt that the outcome should be whether the Council felt the actions of the complaint occurred. Montgomery read open meeting information about disciplinary action. Klaskin made several comments and stated that he can be part of the discussion. Montgomery stated that he would like legal clarification of authority to discipline a public elected official. Lucas reminded the Council that the purpose of this meeting is to review and agree or disagree with the findings of the personnel committee. Montgomery stated that he believes that action cannot be taken at this meeting.

Motion by Miller seconded by Montgomery and carried unanimously to adjourn at 7:52 p.m.

Submitted by,

Bernadine L. Reed
City Administrator/Clerk/Treasurer