

**BIG LAKE CITY COUNCIL
WORKSHOP MINUTES**

APRIL 13, 2022

1. CALL TO ORDER

Mayor Knier called the meeting to order at 5:00 p.m.

2. ROLL CALL

Council Members present: Ken Halverson, Sam Hanson, Paul Knier, Kim Noding, and Paul Seefeld. Also present: Interim City Administrator Hanna Klimmek, Finance Director Deb Wegeleben, City Planner Lucinda Spanier, City Engineer Layne Otteson, Acting Police Chief Sam Olson, Liquor Store Manager Greg Zurbey, Streets/Parks/Fleet Superintendent Norm Michels, Water/Wastewater Superintendent Dan Childs, Fire Chief Seth Hansen, Deputy City Clerk Janette Rust, and Big Lake Student Liaison Ella Dotzler.

3. PROPOSED AGENDA

Council Member Noding motioned to adopt the proposed Agenda as presented. Seconded by Council Member Seefeld, unanimous ayes, Agenda adopted.

4. BUSINESS

4A. Chief of Police / Emergency Manager Recruitment Discussion

Hanna Klimmek introduced Sharon Klumpp, Director at Baker Tilly, who was invited to engage the City Council in a discussion about Baker Tilly's role in the recruitment process for Big Lake's next Chief of Police / Emergency Manager. Klumpp presented Council with a draft Police Chief advertisement brochure and timeline for Council discussion and comment regarding the search. Council Member Halverson asked if the structure of the Police Department as shown in the brochure is actually what has been approved. Wegeleben reviewed that what has been budgeted and approved is a Police Chief, 2 Sergeants, one of which could be a Lieutenant, 2 investigators, a K-9 Officer, and 9 Patrol Officers. Halverson stated the structure should include a Chief and a Captain because that is how it has always been structured. Wegeleben responded it was left as 2 Sergeants for the new Police Chief to decide what role to place the Sergeants in. Halverson stated the structure must have changed since former Police Chief Scharf left employment. Mayor Knier commented that when Scharf was Chief it was a Chief and a Deputy Chief. Wegeleben stated that after Scharf left, Police Staff wanted to remove the Deputy Chief position and replace it with an additional Patrol Officer and that is what Council voted on and what was budgeted for 2022. Halverson asked Acting Police Chief Sam Olson to comment. Olson stated that the Department should be structured with a Chief, a Number 2 position decided by Council, 2 Patrol Sergeants, that supervise opposite shifts, 8 Patrol Officers, 2 Investigators, and 2 Police Specialist Office

Staff. Knier stated that Council decided to set it aside and let the new Chief decide on the structure. Halverson commented that he thought the brochure should be written how it should be structured, not how it is currently operating. Knier proposed to leave it written in the brochure as how it currently is operating and leave it for the new Chief to recommend changes at that time.

Halverson commented that the wording regarding the Chief living within reasonable proximity to the City could be open to interpretation and it should be more definitive such as the Chief should have to live within 20 miles of the City. Mayor Knier asked if that was a reasonable distance. Klumpp responded that recruitment trends, especially for Police Chief positions, have seen fewer candidates applying for these positions. Klumpp agreed that the wording of reasonable proximity can indeed be open to interpretation; however, it may exclude those people that live just outside the 20 mile distance that would have otherwise applied. Halverson stated that we could give them 6 months to move within the stated proximity, which would give them time to relocate. Halverson further stated that the Chief of Police will often take a car home and he didn't think the City would want to be paying for the Chief to drive to and from Willmar every day and believes the 20 mile proximity is fair. Klumpp responded she would have to reference the law on residency for this position because this is a position that normally would not have that residency requirement except for having to respond to a call from time to time. Halverson stated that it is important that whoever fills this position is involved in the community and would be more likely to be active in the community if they lived within 20 miles. Knier stated that hopefully we will get someone who is conscientious enough that they would want to be active in the community. Klumpp stated that we want to get a good pool of candidates and legally we cannot require a Chief of Police to live in the community and she would be comfortable with removing it altogether. Knier inquired if it would be legal if we left the proximity requirement open and then within the interview process asked the candidate if they would be willing to relocate. Klumpp stated that during the recruitment phone conversations and questionnaires, she would mention that it is desired the candidate has the ability to respond to emergencies and to fully participate in community events and ask them how they plan to do that. This would be a good way to get the information Council wants without putting a requirement in the job description that could be construed as illegal. Knier stated that it is a good idea that Halverson brought up because we all want our Police Chief to participate in and respond to the community. Klumpp stated they can add the expectations to the brochure such as the Chief would be expected to respond to certain emergencies and be active in the community. Halverson inquired if they could ask the candidate if they would be open to relocate. Klumpp stated she always gets a sense of that during the recruitment process. Wegeleben asked if it would be illegal if during the interview process you gave preference to a candidate who lived closer. Klumpp responded she would always look more at the qualitative experience a candidate has and not the miles. Wegeleben clarified, if you had two candidates that were similar, would Council legally be able to give preference to a candidate who lived closer than to one who lived farther away from the community. Klumpp responded that recruitment searches have an interesting flow and even though we define the path, they go all different directions because we are working with people; It is important to stay flexible and all the great comments Council has provided will be the framework for this position's advertisement.

Knier commented on one of the position's major responsibilities to "ensure compliance with all applicable federal, state, local and MN POST Board regulations and directives". Knier stated that because we've had contradictory directives from certain government entities, he wants to have a Chief that will

follow our State and Federal Constitution and therefore, would like that wording added to the major responsibilities of the position. Klumpp stated she has looked at approximately 5 other job descriptions for Police Chiefs and did not see anything regarding the Constitution in them and that people understand that there are constitutional rights and what they need to do in respect to that. Klumpp further commented that because she has not seen it in other job descriptions she is not sure of how it could be interpreted or the impact it could have and would like to call someone from the MN Chief's Association for another opinion because this is something she does not normally see. Seefeld stated that each Police Officer, just like an Elected Official and a military person, takes an oath to the Constitution of the United States and if we included it in the job description it would be backing up their oath that they've already sworn. Knier agreed and commented that the Constitution is the supreme law of the land and we are entrusting the Police Chief with enforcing the law. Klumpp asked Council if the Chief really is enforcing the Constitution and to think of the constitutional types of lawsuits where things are not necessarily clear and are open to interpretation. However, she is willing to look into this but is not sure if we add this wording to the job description if it would position us or would have consequences we are not aware of. Seefeld stated it should be in the job description because they have already taken an oath saying they would uphold the Constitution. Halverson reviewed we should wait to see the legal side of it. Wegeleben stated that instead of it being a major responsibility, it could be a part of the integrity of the position to uphold their oath of office. Noding questioned the difference in legality of the individual speaking the oath of office as opposed to having the oath to the Constitution in written form. Klumpp responded she has several different avenues she could pursue for answers to the legal side of adding the wording to uphold the State and Federal Constitution to the job description and would get back to Council. Seefeld asked for clarification on the difference between a regulation and a directive. Klumpp explained that City Council would give a directive and that she would look at the wording and see what she can come up with.

Hanson inquired when Klumpp would get back to Council on the items they have discussed. Klumpp replied that it would not take long if it is okay with Council that she comes back with the desired changes. Hanson stated he wanted to make sure they stay on track with the timeline. Klimmek asked if the next communication would be coming back to a workshop or through email. Klumpp replied she would prefer email.

Klumpp reviewed the timeline stating that the position could start being advertised on April 18 with the acceptance of applications, cover letters, and resumes running through May 20. Klumpp stated most organizations want to make sure a candidate will be a good fit for their team and explained there are two things we can do. First, we can have a finalist complete an assessment to discover their leadership and management style and second, we can have 5 people, such as Council, complete a similar type of questionnaire about what someone who is performing successfully in this position would look like. Through these benchmark surveys, Council would discover what leadership and management competencies are important for this position. By having both the candidates and Council complete the questionnaire, it would give Council a good idea of which candidate would perform successfully in this position. Noding asked what the benefit to the hiring process would be by Council and Department Heads taking the survey. Klumpp explained that it would help in probing questions that they would need to talk about and gave an example of a prior organization she worked with who was hiring a position where customer focus ranked high in importance. They had a candidate that met the benchmark

beautifully except for customer focus. This became a way for them to bring up an important topic and have a discussion on it with the candidate. Knier stated that this is something they would probably be interested in doing. Klumpp further reviewed the timeline stating that May 18 through June 2 they would be working on getting additional information through supplemental questionnaires, video and phone interviews, and performing media background checks. Council would then receive a semi-finalist report and video links to candidate interviews on June 6 and hopefully schedule a meeting sometime the week of June 13 for Council to select the candidates they would like to interview. Knier asked what the optimal number of candidates to interview is. Klumpp responded she is more interested in Council talking with those they want to talk to but she would suggest 4 to 5 candidates. Klumpp discussed the contracted investigator who will complete the reference checks, background checks and verify the academic record of the candidates. Knier stated he had met with the Police Department and they discussed the possibility of having the background checks going to a deeper level and have the investigator talk with the finalists' neighbors to find out what kind of person they are. Klumpp stated several people had mentioned that they would like a deeper level of investigation and that it would increase the cost. Klumpp continued that Council could expect to see the Finalist Report with interview questions the week of July 4 and then be able to set dates for interviews. Halverson stated he would like to have 5 people from the City, 5 law enforcement people, 5 people from the public, and Council sit in on the interviews and note positives and concerns they may have for each candidate. This information would then be given to Council as a list of pros and cons for Council review prior to their decision. Seefeld stated he agrees that the ranking doesn't give them the 'why' and would like comments from staff. Hanson stated the secondhand feedback he received from law enforcement invited to the interview process for the last Chief of Police hiring was that the individual wished they would have been more involved in Council's decision. Knier and Seefeld commented the law enforcement viewpoint they received held a lot of weight in their decision for the hiring of the last Police Chief.

Klumpp reviewed that a successful Police Chief search consists of a forward-looking mindset, making sure we are looking ahead and staying silent about the search to create an environment where candidates can apply and expect confidentiality as provided by law. Klumpp stated that she would like to create a space where City officials can get to know candidates, share perspectives, and have an important conversation about their fit. She would like to have City staff provide input on the candidates, and for City Council, through discussion and collective action, to ultimately cast a unanimous vote for the top candidate, sending a strong message of support. Klumpp reiterated that she and Baker Tilly will always uphold all applicable open meeting and data practices laws. Klumpp explained that treating each other and staff with respect and civility is of utmost importance because prospective candidates will be watching Council meetings; how involving the City Administrator is important because she will be supervising the Police Chief position; and to voice appreciation for the work of City staff and remain positive about city government as appropriate.

Council Member Hanson motioned to recess the April 13, 2022 Council Workshop at 5:51 p.m. until immediately after adjournment of the April 13, 2022 Regular Council Meeting. Seconded by Council Member Noding, unanimous ayes, motion carried.

Council Member Hanson motioned to reconvene the April 13, 2022 Council Workshop at 6:46 p.m. Seconded by Council Member Halverson, unanimous ayes, motion carried.

4B. Lakeside Park Beach Vendor Discussion

Klimmek reviewed that Staff have been communicating with a couple who live in the area and would like to create an LLC to provide kayak and paddle board rentals available by the hour or half/full days at Lakeside Park. They would like to provide this service to the local community, and those who visit, as an affordable recreational opportunity. They have plans of starting with several kayaks and paddleboards. Based on interest and demand, their future plans include the addition of paddle boats and bikes. They are hoping to hire local high school juniors and seniors looking for summer work to staff the rentals, giving them experience in sales/marketing, customer service, entrepreneurship, and money management. They would require one parking space during park hours and the rental equipment would be removed every day so it would not be anything permanent on the beach. Staff reached out to the League of MN Cities (The League) asking for advice on what the City should require if the City Council were to want to move forward in allowing a vendor to provide recreational rentals at Lakeside Park. They advised that the City should execute a written lease agreement defining the leased premises and the responsibilities of LLC/City, require the business to have a minimum of \$1,000,000 in commercial general liability insurance, require the City to be added as an “additional insured” to the business’s liability insurance, require the business to defend and indemnify the City for any claims related to the business, and get a certificate of insurance showing proof of the business’s insurance.

Mayor Knier asked what the parking space would be used for. Michels responded the rental business would need it for a pickup truck and a trailer to haul the kayaks and canoes and initially he is looking at one of the boat parking spaces in the far southeast corner of the parking lot, away from the boat access, the playground, and the main park area where the heavy traffic is. Knier asked if there would be a staff person there the whole time and Michels responded that it would be one of the owners until they hire staff. That the responsibility would be completely on the owners to staff the rental business. Halverson asked that since it would be watercraft on the lake and the County and DNR have jurisdiction of the water, do we need to have permission from the County and DNR as well. Noding commented that she assumed when City staff consulted with the League that their attorneys researched it. Wegeleben stated that The League offered information on what the liability for the City would be but it would not hurt to ask the County and DNR to make sure the business is covered as well as the City. Knier asked if this will open Pandora’s Box for future businesses and if there is a limit to how many we will allow. Klimmek responded we currently limit the number of food truck vendors at the Park and this will be a trial period for now. If there is more interest, then we would set a limit to the number of vendors operating at one time at Lakeside Park.

Council directed Staff to bring forward a written lease agreement to an upcoming Council meeting for Council consideration.

4C. New Ideas Discussion

Michels reviewed that at the September 8, 2021 Council meeting, Council approved the purchase of a jet trailer for the Water/Wastewater Department and the order for the jet trailer was placed shortly thereafter. The purchase price that was brought to Council last September was based on a quote from the equipment vendor. Michels was contacted by the vendor who informed him that the purchase price had increased by 9 percent and noted this increase is coming from the manufacturer and not the

equipment vendor and even with the price increase the jet trailer is still under budget. Michels also noted that the delivery of the trailer has been delayed 3 months. Knier asked how many dollars the 9% increase equates to. Michels answered, approximately \$7600, final price of \$98,389.29 and the budgeted amount was \$100,000. Michels asked Council if they wanted him to proceed or if they had concerns, he could bring the item back to a future workshop. Knier asked for clarification from Michels regarding why there was a price increase. Michels stated the price was based on a quote and not a sales contract and they have been experiencing unforeseen supply chain issues and price increases with other vendors as well. Noding asked if this is a custom built trailer. Michels confirmed that these are not stocked and will be built strictly for order.

Council directed staff to continue with the purchase of the jet trailer with the price increase of 9 percent.

Hanson stated that he has a time conflict with his on-call Firefighter duties and the Lakes Association commission and explained that he and Council member Noding would like to switch liaison positions; Council member Noding would be on the Lakes Association commission and Council member Hanson would take over the Community Education commission.

Council directed staff to bring the amended commission appointments to the next Council meeting.

5. **OTHER** – No other.

6. **ADJOURN**

Council Member Halverson motioned to adjourn at 6:58 p.m. Seconded by Council Member Noding, unanimous ayes, motion carried.

Janette Rust
Deputy City Clerk

04/27/22
Date Approved By Council