

Special Council Session
November 9, 1993

COUNCIL PROCEEDINGS
CITY OF CROSSLAKE MINNESOTA
SPECIAL COUNCIL SESSION
NOVEMBER 9, 1993
9:00 A.M. CITY HALL

The Council for the City of Crosslake Minnesota met in Council Chambers of City Hall on Tuesday, November 9, 1993. The following Councilmembers were present: Mayor Kurt E. Anderson, Lyle M. Arends, Charles O. Miller, Dean L. Swanson and John R. Webster. Also present was City Attorney, Paul Sandelin, Park and Recreation Director, Patricia Felber and approximately 29 citizens.

Mayor Anderson called the special meeting to order at 9:00 A.M. to deal with the notice of intent to suspend with pay and the termination of Patricia Felber, Park and Recreation Director. Mayor Anderson turned the meeting over to Mr. Sandelin to read the letter that was sent to Ms. Felber as a result of the October 18th closed hearing. The Council decision at that meeting was to suspend the director for 30 days giving her an opportunity to address the decision by the Council within this 30 day period. This meeting is to honor her wishes. Mr. Sandelin read the notice of suspension that was sent to Ms. Felber. The reason for the suspension is violation of Personnel Ordinance No. 42 (1) failure to provide work schedules, (2) failure to record work schedules, (3) failure to log in at City Hall when leaving the City during the workday, (4) failure to remit City funds in a timeframe approved by the City Council, (5) failure to turn in receipt books for the Park and Recreation Department, (6) exceeding purchasing authority as the head of a department regarding recycling bins, playground equipment and Dam Run events in 1992 and 1993, (7) obligation to participants of Dam Run in respect to not providing T-Shirts, (8) failure to provide a report and accounting for the Casino trips (9) failure to turn in telephone log reports, (10) failure to provide event reports, (11) failure to advise Council of Lakes Area Booster Club activities and (12) a general failure to perform assigned duties, substandard performance and insubordination and violation of the written policies and procedures of the Crosslake City Council and the Park and Recreation Department. At this time, Mr. Sandelin turned the meeting over to Ms. Felber.

Ms. Felber responded to the first violation by stating that effective January 1, when Mr. Swanson was elected Park Commissioner he submitted work schedules for her and for the Green Thumb worker. Also, Tim McFeters who had previously been a Park employee was then transferred into the Public Works Department when other areas of the City grew. An administrative person was hired to assist Ms. Buchite, the Police Department has grown yet the Council took help away from her department which increased her workload. She felt that directors need to work weekends and be accessible. She indicated that she had no input into her work schedule.

Regarding violation number 3, she felt she was negligent.

Mr. Swanson responded to Ms. Felber's comments. He indicated that a suggested schedule had been provided for her. She was asked to review the schedule and submit a different one if it did not meet her needs. In subsequent months she was asked for her schedule and she agreed to follow the suggested schedule. Regarding the maintenance department, it was by Council action that Tim McFeters was transferred into the Public Works Department. At that time, Ms. Felber's job description was altered. The Council had been looking at job descriptions for all City employees and had, in fact, held numerous meetings to discuss this issue. Ms. Felber did not attend any of these meetings as did other employees to offer input. Mr. Swanson stated that work schedules were not followed and a review of the timecards shows that there was no comparison between the work schedule and the actual hours worked.

Ms. Felber stated that funds were not remitted since funds are no longer collected at the Community Center. For those people who refuse to stop by City Hall and pay their rent, those monies are collected and kept at the Community Center until several checks are received. She felt they were too minimal to be bothered with each time.

Mr. Swanson responded that the Council approved a policy in 1989 that stated money must be remitted to City Hall on a weekly basis. Documentation shows that some checks have not been submitted for several months and in some cases it appears that some were not submitted at all. Mr. Miller read a list of checks that had been found in the desk at the Community Center on October 19th. These checks were dated January 27, April 12 and July 15. Ms. Felber indicated she would have to look at these as she was not aware that the checks were there. Mr. Miller also stated that 6 weeks after the Dam Run had been held, the Mayor requested that two Councilmembers go to the Community Center to pick up the funds that had been collected. Only a part of the funds were received.

Ms. Felber then responded to the three checks mentioned above. The first check she indicated was for a tournament, the second was for a program that was cancelled and the third one was a money order purchased by Rick Engstrom.

Ms. Felber stated she had no idea what the money order was for. Mr. Swanson stated that there was a note with the money order indicating that it was money left over from a prior Halloween Party and he evidently felt the funds should be turned in for the upcoming party. This was the July 15th check. Mr. Swanson read a September report he had submitted to the Council regarding funds that had been turned into the Park Department and submitted to the City Clerk on Wednesday, August 25, 1993. The dates on the submitted funds were as follows: rent for a quilting class dated June 11, space rent for Miracle Ear where the month could not be made out but the date was the 30th and the year 1993, rent for space for Wilderness Park Owners Association dated June 7, tennis membership for Kay Antos June 30, rent for space dated July 12th, rent for space dated August 4th, rent for space dated August 3rd. Mayor read a paragraph

November 9, 1993

from some notes that Mr. Swanson had put together and given to him. This paragraph dealt with the Tuesday Morning Bridge Club use of the Community Center. The charge for the use of this card room was \$10.00 per month, however, March and April have not been paid for per records obtained from the City Clerk's Office. On October 20th, when moving files from the Community Center to City Hall a hand written note was found which indicates that the \$10.00 charge for these two months had been paid but had never been turned into the City Clerk's Office. Along with the note was an envelope containing \$2.00. This note was dated and signed.

Ms. Felber responded that there was no \$20.00 missing and that she will have to check into this.

At this time, Ms. Felber asked the Council if they wanted her to continue or if they wanted to give her their intent rather than going through all this. Mayor Anderson said they would continue on with the intent of the meeting. Attorney Sandelin told Ms. Felber that it was up to Ms. Felber if she wished to continue and that was why everyone was here.

Ms. Felber responded to the recycling bins by stating that the Council had been informed about the bins being ordered and that it was grant money that was used. As far as the playground equipment, that also went to the City for approval. The Dam Run event in 1992, the City Council, after 14 years of running this event and knowing the expenditures, did not approve the funds. Bills were rejected for two months consecutively. In 1993, Ms. Felber said she did not purchase anything for the Dam Run. She had told Mr. Miller in a prior meeting that she did not feel that she ran the Dam Run in 1993 so purchasing authority was not an issue. She requested an explanation of the purchase of the batting cages where she had a copy of the approval of Mr. Swanson for \$1500.00. She asked why a commissioner could exceed the purchasing authority and yet the Park and Recreation Director could not without prior Council approval.

Mayor Anderson stated that the batting cages were approved by the Council prior to the receipt of them. Mr. Swanson then responded to the recycle bins by stating that there was quite a bit of discussion by the Council and even though money does come in from another source the expending of the money still requires Council approval. This is the case with the batting cages and playground equipment as well. Ms. Felber informed the Council that Pre-School was going to pay for the playground equipment and the City advanced the money only to find out that Pre-School had no intention of paying for it. Mr. Swanson stated that he had documentation from Pre-School showing that their intent was only to pay about half of the cost of the equipment.

Ms. Felber told Mr. Swanson that they were working with two different directors. She had received her information from Sue Lande who had made a commitment to her for the cost of the equipment. Mr. Swanson had received his information from Heidi Engen.

Mr. Swanson stated he had a meeting with three individuals from Pre-

School and they provided him with documentation regarding their offer. The Council had been led to believe that all the money would come from Pre-School. He felt that a straight answer had not been received from Ms. Felber on this issue.

Ms. Felber stated that there could not have been any documentation unless it had recently been made up because it had been a verbal agreement. She stated that at the time the agreement was made Pre-School had plenty of money but by the time the second payment was due they were broke. Ms. Felber again stated that she felt the documentation was not there.

Mr. Swanson stated that he did not have any discussion with Ms. Felber on the 1993 Dam Run or in 1992 since he was not the Park Commissioner in 1992.

Ms. Felber stated that she was referring to the non payment of bills for the events.

Mayor Anderson reminded everyone of the costs associated with this type of event when no outside support or promotion is received prior to the event. The payment of the expenses, he said, were delayed because no request was made to the Council to pay the bills as is the procedure. Much discussion ensued regarding this event by both the Council and Ms. Felber.

Mr. Webster questioned Ms. Felber on the ordering of T-Shirts for the event as she had told him on September 21st that they had been ordered from a firm in Aitkin and would be delivered in one week.

Ms. Felber stated that the Casino runs were handled through the Park Auxiliary with the money going to them. On December 28th, the Council decided to disband the trips. A notice was sent to Ms. Felber on January 7th (date that notice was picked up) requesting that she respond at the Monday, January 11th meeting of the City Council. She said a report on the Casino money was given and the money fully accounted for. Documentation was filed with the State Auditor's Office and they have found nothing wrong with it. Mr. Bennett has all of the cancelled checks and all the trips are documented in the newspaper. She stated that they were the only department charged with raising funds for programs. She said numerous letters had been received requesting that the trips be continued. She said a complaint was filed against her and it has been pursued by Mr. Swanson. She said the accountability and reporting is there and wonders why he went to this agency and filed a complaint against her when the program is headed up by the Auxiliary.

Mayor Anderson asked Ms. Felber what the City or the Park Auxiliary got out of the Casino trips. She said that depending on the number of people taking the trip and if the minimums were met, non profit organizations would receive \$50 per trip and a \$2 or \$3 charge per person. Mayor Anderson said he had gone through Glenn Bennett's checkbook and the only amount he could account for was the \$50.00

November 9, 1993

for each trip. Casino trips were taken on September 9th, 16th, 23rd, October 14th, 28th, November 4th, 18th, December 31st and January 13th. On December 17th, the first deposit was made to the Auxiliary by Better Entertainment. Two more deposits were made. One on January 15th and March 26th for a total of \$600.00 for the nine trips. Of this deposits, \$450.00 came from the nine trips at \$50.00 per trip. The balance indicates that only 50 people total took these nine trips.

Ms. Felber told Mayor Anderson that he was not correct and that cash had been deposited also. Ms. Felber stated that she had documentation. The deposits were made at Brainerd National Bank without a deposit slip. Ms. Felber asked Mayor Anderson where the cash deposits are and why he had better records than the Park Auxiliary did. Mayor Anderson stated that he had gotten the bank statements from the Park Auxiliary, Glenn Bennett. He had the bank statements from the time it was taken over from Vickey Leonard. On September 18th, 1992, the auxiliary account was transferred to Glen Bennett with a balance of \$1421.15. On September 18th, a check for Community Center blinds was written for \$1174.00 leaving a balance of \$247.15. A donation was made on \$471.25 for the ceiling fans leaving a balance of \$718.40. The Lions had a carnival the first weekend of September 1992 and a check for \$360.00 was given to the Auxiliary on September 15th which was deposited on December 17th. Mayor Anderson had been told by Ron Graves that the average number of people per trip was between 20 and 30 people. On average, 25 people per trip times nine trips at \$3.00 each is a healthy amount of cash missing.

Ms. Felber stated that it is not missing and that these are not the records that she had received from Glenn Bennett and requested a copy of the records the Mayor had.

Mayor Anderson then told Ms. Felber to find the money or show the Council the records she had received from Mr. Bennett.

Ms. Felber told the Council that it was only in the past month and a half that telephone logs had been maintained and the Council now had copies of that log. As far as event reports, she stated that these are always available at the Park. She said that Mr. Swanson does not come to the park and that he has only been interested in criticism for the past 10-11 months. Reports on every event are available and could be included in a monthly report but there is no interest by him except in eliminating any participation she had in the programs going on. She did not feel this was a justified complaint. There has been no communication between the Commissioner and herself with the exception of what he called counseling meetings, of which there have been several with Mr. Miller. Ms. Felber said she had never been contacted prior to a Council meeting for input into these reports so she does not feel this issue is justified.

Regarding Lakes Area Booster Club activity, Ms. Felber stated she has served on this club for three years. She also served on the

Pequot Lakes Community Education Board, the RSVP Board and other boards related directly with programming at the Center. She indicated that she had informed Mr. Swanson of a meeting by the Lakes Area Booster Club for various city councils in the area.

Mr. Swanson stated that the event reports should have been submitted to him by the director. It should not be necessary for the manager to follow up on getting these reports and they were not forthcoming. Five minutes before a Council meeting, Ms. Felber did give Mr. Swanson a request from the Lakes Area Booster Club. It was not acted upon at that meeting, however, Mr. Swanson did attend the meeting and they were invited back to the next Council meeting. The Council came forward and were very eager to sponsor the program. Mr. Swanson stated it became very evident at that meeting that nothing was known about this program and either monthly or quarterly a report should have been given to the Council in regards to this program.

Mr. Miller asked Mr. Swanson to address the report for the Dam Run. Mr. Swanson indicated that in a meeting with Ms. Felber and Mr. Miller, Ms. Felber should have made a request for shirts, medals and etc. that would be needed for the Dam Run. After the event, the Council asked Ms. Felber for a report of the Dam Run and they were told that Addie Baumann was working on it. At the following meeting, the report was requested again and it still was not finished. Both Ms. Felber and the Council agree on the number of participants of the Dam Run, however, the money received for registration is not in agreement.

At this time, Ms. Felber asked Mr. Swanson if there is any communication between the two of them.

Mr. Swanson stated that Ms. Felber very seldom contacts him and that he is available. He said he does not go running out after any of the employees.

Ms. Felber suggested that the meeting be postponed so that she could go through the files. She objected to the Council having gone through her files without her knowing about it. She also objected to the issuing of a key to her desk and office to a commissioner without her knowledge.

Ms. Aggie Beavers asked Mr. Swanson why he could not come face to face with Ms. Felber and why he always had to have Mr. Miller with him.

Mayor Anderson stated that the Personnel Policy states that any time there is a discussion with an employee regarding work performance, the Personnel Director should be present.

At this point, other individuals in the audience spoke up and asked what we were doing here, what the nit picking was about, why there was discrimination. Another individual asked that the people making comments identify themselves and be recognized by name.

Ms. Felber stated that the last violation is a summary of all of the prior violations and, therefore, had no response.

Mayor Anderson stated that the charges have been stated, the responses have been stated and that Ms. Felber is somewhat unprepared to answer some of the questions.

Mr. Webster asked Ms. Felber how long it would take her to get the dollar documentation together. Ms. Felber indicated about a week.

Ms. Felber asked the Council to clarify what the timeframe in working days is to respond to a meeting or can a session be called at will.

The Attorney replied that three days notice was given and at a minimum 24 hours notice is required. If Ms. Felber felt that she needed more notice or more time to prepare she should have appeared at the October 18th meeting and requested such. Ms. Felber was told that the meeting was held as a closed meeting under State and Federal regulations since she was not present.

MOTION 11PH-1-93 WAS MADE BY JACK WEBSTER AND SECONDED BY LYLE ARENDS TO TABLE THIS MEETING UNTIL 9:00 A.M. ON NOVEMBER 16TH TO GIVE MS. FELBER TIME TO OBTAIN THE ADDITIONAL INFORMATION SHE WOULD LIKE TO PUT TOGETHER. MOTION PASSED WITH MR. SWANSON AND MAYOR ANDERSON VOTING NAY.

Comments were made from various individuals in attendance in Ms. Felber's defense not all being pertinent to the subject or based on fact.

MOTION 11PH-2-93 WAS MADE BY LYLE ARENDS AND SECONDED BY CHUCK MILLER TO ADJOURN THE PUBLIC HEARING AT 10:26 A.M. MOTION PASSED UNANIMOUSLY.

Recorded and Edited by:



Arlene A. Buchite
City Clerk/Treasurer