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## Less than smooth transition at Crosby City Council

At the beginning of the Crosby City Council meeting on Tuesday, December 27, the Mayor Joanna Lattery asked for a motion for approval of the minutes from the Monday, December 12 council meeting. Councilmember Jim Goshey noted an inaccuracy in the minutes. Goshey went on to say that except for Sovo's contract extension that was not passed at the previous meeting, he would move to approve the minutes with the revision to remove the sentence and amend Clerk/Treasurer Sovo's contract to expire December 31, 2019.

A motion was made by Councilmember Paul Heglund and seconded by Goshey to approve the contracts for Police Chief Kim Coughlin and Police Lieutenant Kevin Randolph from January 1, 2017 to December 31 2019 and amend Clerk/

Treasurer Lisa Sovo's contract to expire December 31, 2019.

At the public comment portion of the meeting, John Radinovich asked if they were going to vote on the garbage ordinance since it was on the attorney report part of the agenda. Mayor Lattery indicated that they were not, since the council had decided to wait until they had the final rental ordinance completed.

#### Planning and Zoning

Planning and Zoning Specialist Justin Burslie said at their last meeting there was one request for a variance from Cuyuna County Apartments to allow less parking spaces than required by ordinance. That application was tabled, so the planning commission will be reviewing that again next month. They also reviewed a meets and bounds subdivision application that

was approved. Next month there is a rezoning application scheduled for a public hearing in the future.

Burslie then thanked Councilmember Dusty Paul and Mayor Joanna Lattery for the opportunity to work for the city for the past couple of years and wished them the best.

#### Building Inspector

Building Inspector Scott Sadusky introduced the crime free/drug free lease addendum that could possibly be put into the rental ordinance. Other cities have put this addendum in their rental ordinances to require landlords to include this addendum language in their leases. Some cities require a copy of the landlord tenant lease be submitted to verify the language has been added before the license is approved.

Sadusky said Red Raven opened a week and a half

ago. They are under a temporary occupancy with small little issues to work out, but they are open for business right now.

Sadusky said Cuyuna Brewing will have a temporary occupancy inspection on Friday, December 30. After the inspection the Department of Agriculture will let them start brewing. It will be a full month before it's ready to pour, so they are still targeting around February 1 to be open for business.

#### Employees in the Limelight

"I have been accused of hogging all of the publicity that comes out of Crosby recently," Police Lieutenant Kevin Randolph said. "And while I will admit, I had a front page newspaper article and several national TV appearances, I want to disprove that accusation by saying that I don't have a magazine cover. Our clerk, Lisa Sovo, is

featured on *NJPA's* quarterly magazine, for saving the city tons of money by using shared services, such as our Planning and Zoning. So that's all I wanted to say."

#### Liquor License

Council approved the cancellation of Cuyuna Lanes 3.2% On Sale and Sunday liquor license submitted by Nancy Burgwald.

Council approved issuing of Cuyuna Lanes 3.2% On Sale and Sunday liquor license submitted by Gary Koering.

#### Donations and Grants

Council approved Resolution 2016-45-1227 acknowledging the donation from the Hallett Charitable Trust in support of the Library.

Council approved Resolution 2016-46-1227 acknowledging the donation from the Hallett Charitable Trust

Continued on Page 2

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# Spaghetti benefit for Tae Kwon Do master at Harbor Inn in Garrison

There will be a benefit evening for Tae Kwon Do master, Theresa Dehning, of Cuyuna, on Saturday, January 21, starting at 6 p.m. at Harbor Inn in Garrison. The event includes a spaghetti dinner



for \$7 a plate, entertainment, and silent auction. Theresa Dehning, 59, has lived and worked in the Deerwood, Crosby, and Aitkin areas. She's been an instructor in the Tae Kwon Do martial

art for 23 years. Before she got ill, she owned a gym in Crosby for many years and added one in Aitkin recently. Her friend and previous Tae Kwon Do student for 12 years, Rebecca Weimer said that Dehning has lung cancer and thyroid cancer. "She is undergoing treat-

ment at Hope Lodge, a cancer treatment facility," Weimer said. "She's enduring radiation and chemotherapy five days a week. At this point, she's just trying to make it through treatment, one day at a time — concentrating on that part." Weimer said Dehning's

students were of all ages: children, adults, seniors, from a four-year-old all the way up to 99-year-old. Kids and adults did sparring and meets. According to Weimer, students are taking the absence of Master Dehning hard. The gym is operating under a new person in Aitkin, but is not the

same without her. "I'd like to see the community come together and support this hardworking woman who touched so many lives," Weimer said. "Our Tae Kwon Do group is still a family." Dehning has a husband, Ralph; one son; one daughter and two grandsons.

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in support of the Community Garden.

Council approved Resolution 2016-47-1227 acknowledging the donation from the Hallett Charitable Trust in support of the tiling project.

Council approved Resolution 2016-48-1227 authorizing the City of Crosby to accept grand funds from the Blandin Foundation for the construction of mountain bike trails - Aaron Hautala, Cuyuna Lakes Mountain Bike Crew.

Aaron Hautala spoke in some detail about how the \$50,000 grant from the Blandin Foundation would be doubled by the Hallett Trust to make \$10,000. That makes to date \$335,000 or with matching funds \$670,000 in one year. Accomplishing the Cuyuna Lakes Mountain Bike Crew one year goal.

Council accepted with regrets the resignation of Steve Perpich, Public Works Foreman.

Mayor Lattery said, "It's hard to see him go. He's been such a wealth of knowledge. And one heck of a worker. It's been a pleasure to work

with him."

### City Administrator

Mayor Lattery introduced the topic of hiring a City Administrator.

Lattery said, "We put it in our budget for next year, half year. It's going to take some time to put the requirements together, to figure all that out and so, I think, we've been talking about it for a couple of years anyway, and we have it in the budget. We should get the ball rolling. She's (Clerk/Treasurer Sova) going to have to pull all the information together."

Councilmember Ron Prushek made the motion to add a City Administrator position to the city and have Sova "get the ball rolling on things and get it started." It was seconded by Councilmember Paul Heglund.

Councilmember Jim Goshey said, "I guess I'd rather see that we intend to pursue the option of hiring an Administrator rather than a motion to add one at this time. I think we should look into it and make sure it's feasible. And it's what we want to do." Goshey indicated

he would be opposed to this motion.

Councilmember Dusty Paul said, "I guess I would too, because I'd like the new council make that decision, not me."

Goshey directed a question to Councilmember Prushek, "Is that your intention Ron, is that you want to have one right now? Approve that we have one?"

Prushek responded "Well, we've been talking about it. And we've got it in the budget. And the administrator will actually help out in getting grants. Lisa has absolutely no time."

Goshey said "I'm not opposed to it."

Prushek said, "It's for the whole city, in getting grants and everything."

Goshey said "In saying we've been talking about it, last meeting was the first public comment that I recall."

Lattery said "I think at our, um, comprehensive plan meeting and I think, um, at the economic development go around, It keeps coming back up and coming back up."

Goshey said "I don't think we've had that."

At the vote Councilmembers Jim Goshey and Dusty Paul voted against the motion to hire. Councilmembers Paul Heglund and Ron Prushek and Mayor Joanna Lattery voted in favor of adding a city administrator.

Council approved the purchase of turn out gear for the Fire Department in the amount of \$17,016.81 from the Fire Department Donation Fund.

### Sova's Contract Extended

Then Mayor Lattery turned the gavel to Councilmember Dusty Paul and made him deputy mayor, so she could make a motion.

Lattery then read from a prepared statement, "In light of the discussion the council made this evening to begin the search for city administrator, based upon the needs outlined in the organizational study recently completed and the recommendation of the personnel committee. I am now instructing the council to consider the employment contract of the City Clerk/Treasurer Lisa Sova. I have

passed the gavel to deputy mayor Dusty Paul. I move the council approve Lisa Sova's contract thru December 31, 2019."

Councilmember Ron Prushek seconded the motion.

Lattery continued reading, "I will take the liberty of opening the discussion. The personnel committee met with Lisa Sova and discussed her performance earlier this fall. We commend her on her performance and the dedication of support she has given this council over the last two years. The contract however is not a reward for a job well done. The personnel committee recommended to the full council that Sova's contract be extended, so that it parallels the employment contracts of Police Chief Kim Coughlin and Police Lieutenant Kevin Randolph. The contract was recommended, because it changed the arbitration from designated in Sova's contract, old contract to another less expensive arbitrator, should the need arise for arbitration. I don't ever see that happening, but it's a good business move. It changes the terms of the severance to parallel the other employment contracts and is a benefit. Not to Sova, but to the city. It locks her, basically, it locks her in at her current contract rate. She gets a raise every year, just like everybody else does, when we do the raises for the Teamsters for the whole

city gets it. Everybody gets it. Whether it's at 1.5%, 1%, .5% whatever it is. That's the only raise. This is not to increase their wage.

"We have just determined the City of Crosby will seek a city administrator. The majority of the work will fall to the clerks office to prepare the job description. Send out notices to newspapers and other publications that the city is seeking applicants, gather letters of interest on behalf of the council and perform other clerical tasks, so that the council can review the applications. Once a city administrator has been hired, it will fall to Sova to initiate the basic training of the administrator. Yet, the organizational chart proposed by the organizational study shows Sova reporting to the city administrator, which, in fact, will be the case once the city administrator is trained in.

"When Lisa Sova was hired as clerk/treasurer the financial records of the city were in disarray. The outside financial audit had listed several concerns, the city's bank accounts had not been reconciled in months. All is now in order.

"The morale when Lisa began her employment with the city was low. And staff and departments didn't work together and work was not completed time[ly]. All that has now changed. Yet I remind you the contract I call upon you to approve is not a

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City of Crosby Council | Continued from Page 2

reward for all the things Lisa Sova has accomplished.

“Lisa has done one of the most difficult jobs I can think of. How many of you would like to report to five or six different people plus 2,500. Yet when a council member or a member of the public ask Lisa for information. That information is forthcoming in a timely manner. And she does it with a smile. But once again I remind you the contract I ask you to approve is not reward for any of that.

“We were hired by the citizens of Crosby through the election process. It is our duty to enter this council chamber and perform the duty we’ve been elected to accomplish. We do not bring politics into the chamber, neither do we bring friendships or alliances. We make decisions based upon the information in front of us at the time. And try to determine what is best for the citizens of Crosby, not what is best for friends and family.

“I urge this council to accomplish one more good thing before some of us leave elected service. I urge the council to approve the extension of the employment contract for Lisa Sova until December 31, 2019. I know Jim[Goshey] it could change her duties and that.”

Goshey said “Yep.” Lattery continued, “But it’s not. She is the Clerk/Treasurer that’s not going to change. She has taken on the administrative stuff.”

Goshey responded, “That’s going to change.”

Lattery said, “And she wouldn’t have to do that anymore. That is what she was hired to do. She was hired to be the Clerk/Treasurer.”

Goshey said, “I believe that wage allowed for additional administrative type things she was doing.”

Lattery responded “I do not.” Then Lattery asked, “Does anybody else have anything to say?”

Heglund responded, “I’d like to see it extend, because I think she’s doing a great job. And I don’t want to see the city lose her so. I’m voting to extend it.”

Prushek said “I agree.” Goshey responded, “Can you justify her wage at just guessing around \$73,000 plus a \$100,000 administrator for the city to sign up for?”

Heglund said, “We budgeted for the administrator already.”

Goshey said, “We don’t have to spend it.”

Heglund said, “I know that. I just think it’s a good idea Jim. You got an employee like that and the employees in the police department. I think we better hold on to them.”

Goshey said, “I’m not saying, this isn’t personal.

Heglund said, “I’m just stating how I feel about it.”

Lattery said “When she was hired, I believe the administrative portion was not included in the clerk/treasurers position and that’s why.”

Deputy Mayor Dusty Paul said, “I don’t know about the administrative job. We can maybe afford it. But I don’t know.”

Goshey said, “We haven’t had a serious discussion about it at all, yet. A contract that’s already good for two more years already.”

Paul said, “And none of the council knew about it, at least me and Jim didn’t until now.”

Lattery said, “I just decided to do this.”

Roger Bentley in the audience said, “I think it should come up before the new mayor and the council myself.”

After the discussion, Paul and Goshey voted no, Lattery, Prushek and Heglund vote yes and Sova’s contract was extended and additional year to 2019.

City Attorney Tom Pearson said he was waiting for documents from both the Serpent Lake Sewer District land conveyance and Graphics Pack-

aging International, Crow Wing County, Independent School District 182 and City of Crosby land exchange at the next meeting. There was one more check leaving a balance of around \$400 on the radiator repair refund matter.

Council approved the 2017 Final Levy, the 2017 Budget, the mileage reimbursement rate \$.535 per mile, the fund transfers and Paul Heglund to be a signer to replace Dusty Paul on the bank account.

Swearing in and Background checks

At the end of the meeting, Mayor-elect Jim Hunter and Councilmember-elect Jim Traylor were to be sworn in. However, neither of the newly elected had provided the signed paperwork allowing the for background checks to done.

Prushek said, “It is to my understanding that background checks weren’t done.”

City Attorney Tom Pearson responded, “You have in your code, sections that speak to criminal history data. There is a universe of city employees and other people that are subject to ordinance requirements. This is chapter five of your code. The City of Crosby Councilmembers [are] part of the universe of people who are by ordinance obligated to give consent for the requisite background check. I understand that hasn’t been done in a couple of instances, although I don’t really have a comment on that, other than to say you appear to have an ordinance that isn’t being complied with in a couple of different respects.

Then Lattery asked question “as a resident”. She said, “..why the ordinance has not been complied with? Is there a reason?”

Mayor-elect Jim Hunter responded, “If you read your ordinance, it doesn’t say elected official. It states employees of the city and volunteers.”

Lattery said, “It says City of

Crosby Council Members.”

Hunter said “If you call the League of MN Cities they say you don’t have to a background check. And if we do we can choose the [police] department we have to do the background check. We can do a background check, but at this time I would not like the Crosby Police Department to do it.”

Lattery said, “Mr. Traylor?”. Councilmember-elect Jim Traylor responded, “Yeah, I hold with the same. You didn’t follow your own guidelines for your own employees. Where it gives you the layout, what’s required and the repercussions, it’s not in writing. And number two the League of MN Cities stated to use the state statute. You can contact them.”

Lattery responded, “Oh we have. And, um, they would have to represent us on this.”

Police Lieutenant Randolph said, “I looked into this extensively, because what’s happening here. The City of Crosby is being put in a legal and ethical quandary over the fact we, do in fact, have a city ordinance that states that all city employees must have a background investigation. It does state city council members as well. There was a decision in 2012 by the council to declare all members of the board as employees. And under the state administrative board who governs things like elections and things like council rules, it essentially states, if a city council decides council members are employees. Then they are employees under state statute. And if they are not, then they are not. The council decided in 2012 that council members were in fact employees. Now as far as the league of MN Cities goes. The city is actually the client in the League of MN Cities. When a citizen calls the league with a question they feel is germane to the city

council, they notify the city of the questions and answers to that. And they contact us after Mayor-elect Hunter called them and said that while the constitution lays out the minimum requirements that State does not require that a background check be done. However under State law 364 both 09 and 021 that govern public service. It says this chapter does not supersede a requirement of law. To conduct a criminal history background investigation or consider criminal history records in hiring for particular types of employment. This does not prohibit an employer from notifying applicants that law or employers policy will disqualify an individual with a particular criminal history background from employment in particular positions. Since there is actually no case law on this. The League of MN Cities has basically forwarded a guess. State Law says you can’t background check candidate for office. It doesn’t say anything about background checks for elected officials.”

Randolph repeated his researched topic statement and suggested that it puts the police in a difficult position if the elected officials don’t follow ordinances then why should the residents?

In the audience, John Radinovich said, “What I don’t

understand is, if the mayor and the council won’t swear in, then how can you make any employee do it then? Unless you got something to hide, then don’t do it. Why do you want to stir up a hornet’s nest?”

Crow Wing County Commissioner Doug Houge was in the audience and was asked by Councilmember Paul, if he had a background check at the County.

Houge said, “I never signed anything for a background check.”

Lattery asked Houge again, “Did you have a background check?”

Houge responded, “Not to my knowledge. This is kind of embarrassing coming up in the ninth inning of this, where it’s obvious what’s going on.”

Lattery responded, “There is nothing going on here.”

Houge said, “It’s very obvious. This whole meeting, what’s been going on.”

Ultimately Mayor Elect Jim Hunter and Councilmember Elect Jim Traylor both filled out the paperwork following much discussion. The meeting was not adjourned. It remained opened until they resumed the meeting following a day and a half recess.

Swearing in of new Council Member and Mayor Elect was delayed until 1:30 p.m. Thursday, December 29 to allow time for a background check.

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