

CITY OF VERGAS
SPECIAL COUNCIL MINUTES
Vergas Event Center and Zoom
Monday, October 30, 2023

The City Council of Vergas met at 6:00 pm, on Monday, October 30, 2023, at the Vergas Event Center for a hybrid emergency council meeting with the following members present: Mayor Julie Bruhn, Council Members: Bruce Albright, Paul Pinke, Dean Haarstick and Natalie Fischer. Absent: None. Also present: Clerk/Treasurer Julie Lammers, Liquor Store Manager Kyle Theisen, Attorney Tom Winters, Widseth Funding Specialists Gail Levenson and Ryan Zemek, James R Nelson, Lynette Nelson, Loren Menz, Diane Menz, Rick Singer, Jill Hoffman, Lynnae Salverson, Felicia Singer, Kathy Wouters, Bill Schoeneberger, Lynn Schoeneberger, Chris Singer, Bob Williams of the Frazee-Vergas Forum, the following phones were on zoom, but they did not provide their names 218-234-0293 and 303-810-1710.

Call to Order

Mayor Julie Bruhn called the meeting to order.

West Lake Street Project

Gail Levenson, Widseth Funding Specialist reviewed the Local Road Improvement Program (LRIP) funding the City of Vergas has requested to apply for. Ryan Zemek, Widseth Funding Specialist informed Council of the grant regulations of needing to have Otter Tail County apply for the grant as our fiscal agent due to the City of Vergas being a City under 5,000. Albright stated the streets committee supports the application for funding of West Lake Street. Levenson explained she has spoken with Otter Tail County Engineer, and they are supportive of the project and will bring the grant to the board on November 14, 2023. Motion by Albright, seconded by Pinke to adopt Resolution 2023-15 LOCAL ROAD IMPROVEMENT PROGRAM FUNDING FOR WEST LAKE STREET RECONSTRUCTION (complete copy of resolution located at the city office) and to adopt the conflict of interest of Council members for the project. Motion passed unanimously.

Otter Tail County Community Development Agency Community Growth Partnership

Lammers explained the City of Vergas has an application for the Community Development and a public hearing needs to be held for the Council to approve the application. Lammers requested a public hearing to be held before the November meeting. Motion by Albright, seconded by Pinke to hold a public hearing on November 14 at 6 pm for the community development funding application. Motion passed unanimously.

Employee Performance

Mayor Bruhn asked Felicia Singer if she would like to have the meeting closed for the proceedings of the employee performance. Felicia Singer stated she would like the meeting to be open. The meeting was turned over to City Attorney Tom Winters. Winters stated that we are here for a Loudermill hearing explaining this is mini court trail (a little less formal) witnesses will be called. Winters called Liquor Store Manager Kyle Theisen testimony. Winters swore Theisen in and questioned him regarding the reason we are here tonight. Theisen stated the store was not opened by Singer who was on the schedule. Citizens of Vergas stated they saw Singer downtown when she was supposed to be working. Theisen asked Singer to come to a meeting and Singer refused to meet with Liquor Store Manager Kyle Theisen and Clerk -Treasurer Julie Lammers. Winters asked, "what the main reason for removal of Singer, as Liquor Store Clerk was? Theisen stated continuing to not listen, unable to follow orders from supervisor. The meeting I requested for her to come into would not have been terminated if she had attended. Theisen stated instead of meeting with him, and human resources Singer stated she needed to be provided with written notice of exactly what would be discussed, and she wanted to know why Lammers needed to attend the meeting.

Singer was given the option to question Theisen and she stated she had no questions but reviewed her opinion of what happened.

- She called Theisen to discuss a payroll error and when the schedule would be out on September 2, 2023. The payroll error was resolved but she did not get a text regarding the schedule.
- Never refused to meet with Theisen, she only refused to meet with Julie Lammers.
- She provided times when she could meet with him, but she would not meet with Julie Lammers, and she requested a letter telling us what the meeting would entail.

- She is unaware if Council members are aware of Julie Lammers being human resources.
- She has made complaints about Julie Lammers and the city has not resolved the complaints or provided the requested action plan.
- Feels she should be able to meet with council members before meeting with her supervisor.
- She grew up in Vergas, raised her daughter in Vergas and she expects to be given slightly more consideration.
- Not sure who Theisen had discussed all of this with and was never told if he had met with personnel or other council members.
- Her response to being asked to meet with Theisen and Lammers was for him to provide the purpose, why the parties involved are invited and why you are not meeting with me first. She feels this is the chain of command.
- Stated this was a scheduling error not something that we needed to meet on. Concerns and her anxiety was not addressed.
- Provided opportunities to meet with Theisen on Singer's schedule.
- With busy schedule she was unable to read letters for a few days.
- Singer read parts of the letter she received and stated it did not make sense to her. She stated I did not refuse to meet with him, I declined meeting with Julie Lammers.
- Reviewed the criteria of being a liquor store clerk and how she represented the city.
- Stated she calls Dean Haarstick and other city officials to represent the City when the city needed support.
- Exposed to a lot of hostility during the time when we required masks and the 25 cent raise Lammers (Liquor Store Manager at the time) requested from Council did not even equate to 1 penny per time I was sworn at.
- Have worked multiple Sundays by herself and wonders how many dollars she has taken in for the City.
- In 15 years I have only called in sick for COVID and strep throat.
- Needs to place the needs of her family at the top and does not feel she wants to work for the liquor store any longer.
- Appreciated Winters question as to if Singer had worked between the time she worked and when she was scheduled to work.
- Worked her September 2 shift and only works one shift a month.
- Reviewed actions she has decided to do as a clerk -such as lending money to patrons, giving discounts, calling council members to find answers, etc.
- Does not understand why the liquor store manager would be supervised by the Clerk-Treasurer. She feels they should work for the City Council.
- Questioned training given to the Liquor Store Manager.
- Questioned training given to Human Resources.
- Everything Singer questioned should be looked into, and all information should be available to her.
- Pains her to say she does not want her job back.

All of these comments were provided by Singer and not questioned or verified for facts.

Winters: In your other employment if the supervisor asked to meet with you, do you have the right of refusal.

Singer: Depends on the circumstances but I would have the right to teacher's rights member.

Winters: Yes, you have the teacher's union unlike the city.

Singer: Actually, we do have PERA (Public Employee Retirement Association) but I would have someone with me.

Winters: In no part of your text messages did you request Council representatives.

Singer: I did not know it was necessary at the time. This is why I asked for the purpose of the meeting. This was not a payroll issue, so Lammers did not need to be there.

Winters: With, him being the manager, you do agree you do not get to make demands of your manager?

Singer: If it involves these circumstances, I have the right to make demands.

Winters: No other questions. Singer do you have any further questions.

Singer: Stated no.

Bruhn asked if Theisen had any other statements or questions.

Theisen stated no questions were asked of him by Singer. Theisen began many sentences, such as the letters were not done by text and Singer kept interrupting. Theisen stated the reason to get this point was for insubordinations.

Winters asked Singer to quit interrupting. Theisen stated he had nothing else to say.

Albright thanked the Council regarding their services and stated he does not know the flow chart of employment. Albright discussed what he thinks of the employment procedure. We need a flow chart and job descriptions. Fischer stated it is an organizational chart which we have, and we have job descriptions for all positions. Albright stated that none of the committees have the authority to make decisions without the full council. Bruhn stated we are off subject for this meeting. Winters stated that Albright is correct and only the council has the authority to hire and fire, which is essentially what we are doing right now. Managers and Clerk-Treasurers have authority to do what they did here, and employees have the right to hearing, which we are having here. Albright reviewed how he would make a schedule and Pinke agreed. Fischer stated that we need to support our manager as he is doing a great job. Lammers is our human resources and followed procedure. Singer stated that she filed concerns about Julie Lammers and received no action plan or follow up but instead Lammers was given 2 positions of authority over Singer. Singer again stated that she is being forced to discuss that she filed complaints. Theisen tried to respond to Fischer and Singer kept interrupting him not allowing him to finish a sentence. Fischer asked if we could accept Singers resignation. Winter asked Singer to officially resign. Pinke stated we could give Singer the opportunity to work Sundays. Singer stated she no longer wants to work for the city and appreciates Paul's comment and the problem solving. Singer stated she is submitting her resignation.

Motion by Fischer, to accept resignation with letter not going into Singer's file. Motion failed for lack of second.

Singer stated she would write up her letter of resignation tomorrow and hopes the Council takes this opportunity for Theisen to be given training as the manager. Hopefully the Council writes up a better model for the Liquor Store Manager position.

Winter stated the Council has not acted on finding grounds of termination and/or act on resignation.

Motion by Pinke, seconded by Fischer to accept resignation with no findings. Motion passed unanimously.

Singer asked if she could waive her two weeks' notice, be an employee in good standing and receive a letter of recommendation. The council stated yes.

Adjournment

The business for which the meeting was called having been completed, the meeting was adjourned at 8:10 pm.

Vergas City Clerk-Treasurer
Julie Lammers, CMC