

**BIG LAKE CITY COUNCIL  
WORKSHOP MINUTES**

**MAY 25, 2022**

**1. CALL TO ORDER**

Mayor Knier called the meeting to order at 4:30 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, City Attorney Soren Mattick from Campbell Knutson, City Clerk Gina Wolbeck, Finance Director Deb Wegeleben, 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, and Big Lake Student Liaison Ella Dotzler.

**3. PROPOSED AGENDA**

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

**4. BUSINESS**

**4A. Election Discussion**

Mayor Knier stated that he appreciated everyone's attendance, noting that we take our elections very seriously. There isn't a person in the room who isn't interested in protecting the integrity of our elections. After the last election, there have been all kinds of accusations of fraud that we have seen in the media. He is not saying that happened here, but we want to do everything we can to continue to promote and protect the integrity of our elections. Mayor Knier also noted that we did invite our County Auditor Diane Arnold to be here with us, and she declined to come to the meeting. Knier recognized City Clerk Gina Wolbeck who is in charge of our election process, as well as all the hard-working election officials who do a great job.

Mayor Knier introduced Rick Weible from Midwest Swamp Watch, who provided a presentation on an Election Performance Improvement Plan. Weible presented information on local accountability, control and oversight, election security, ballot board requirements, the election judge party balance requirement, and stressed the need to restore confidence in elections. Weible discussed statements made by Senator Amy Klobuchar in 2016 and 2019, the City's use of electronic voting systems, required certification of new voting systems, the US Election Assistance Commission (EAC), and reviewed statutes relating to examination of new voting systems. Weible discussed the Windows 7 end of support issue

with the Dominion Voting System, data requests seeking Cast Vote records and other 2020 election data, the risk of Poll Pads vs paper registration rolls, proper documentation and basic issues, election equipment hacking, reviewed election costs for hand counting vs a machine count, the Frankspeech.com claim, issues with the use of drop boxes, and post-election review of voting systems.

Mayor Knier recapped his previous statement that he trusts our local election judges, officials, and City Clerk Gina Wolbeck infinitely more than he trusts people outside our State who may be trying to finagle things. Knier asked if it is possible that these machines could be hacked to change vote totals. Weible responded that yes, they can be. Knier stated that whether that happened or not in the last election, the fact that it could happen is concerning to him. The County Auditor has provided an email that says there is a spot check that is put in place where they draw precincts that will be spot checked. Knier discussed that if the machines do stay, at a minimum, we should be hand counting a few unannounced races so that no one knows which races are going to be checked. Knier asked Weible what the difference is between the County spot checks and hand counting unannounced races. Weible reviewed that the post-election review is a minimum standard review of 3% of precincts. He stated that he believes the City has the ability to call in election judges the day after the election to do a spot check of two or three of the races just to validate our elections so we can restore the confidence back to our voters that we have actually done a quick check before we seal everything up and bring it back to the county. Weible also discussed that another thing we can do as well, is typically the County Auditors and some of the City Clerks conduct a test deck where it is a pre-configured deck that they will have the print shop print for the machines to evaluate. What is unfortunate is that he sees a range of between 16 and maybe 75 ballots that are run through there and that is not really appropriate because if you look at the scientific method, you'd actually want to do a vote total that is similar to what is happening in real life. Instead of having preprinted ballots, we would be better off having had filled out ballots so we can actually see what is happening in the real environment.

Council Member Noding discussed that she has been an election judge, and asked what the process is for delivering ballots to the county, and asked if there is a way to do a spot check the next day. Wolbeck reviewed that the ballots are sealed and placed in a secure area the night of the election. Two judges from different political parties transfer the sealed ballot boxes to Sherburne County the morning after the election, where they get securely stored. Noding asked if spot checks could be done. Wolbeck stated that she is unclear what a spot check is. Wolbeck reviewed that MN State Law regulates recounts, when they can be done, and how they are done. Weible reviewed spot check opportunities which can be done before the ballots are delivered to the County, or at the Canvassing Board. Weible noted that there are gray areas and he thinks good attorneys and good leaders between the City and the County can come to an agreement as to what should be the best practices. Soren Mattick discussed that he would want to know what they mean when they refer to spot checking, because to him that is still undefined. We understand what a recount is so when they are referring to a spot check, are they meaning one Precinct, one race and seeing if that matches up with the electronic total. In essence, we would be doing a hand count for one race, and if that matches up, they would accept that it is a spot check for the entire race. Weible noted that he is a naughty voter because he has a latex allergy and he uses his own pen to mark his ballots. His pen could be one of the styles that is creating extra ink, so his recommendation is not to count the top of the ballot all the time, but to go down a little further on the ballot. Weible suggested we pick one Precinct and from that Precinct, choose two races. Mattick discussed that the timing becomes

the issue because once those ballots get sealed in the box and secured, we must protect the integrity of the marked ballots and control human interference with those ballots. Weible explained that we have the authority as the Canvass Board to inspect the ballots and he believes that a spot check can be completed the night of the election. Mattick stated that he is not convinced that we can do a spot check before the ballots are placed in a secure location, but he can look into that.

Council Member Seefeld discussed how the races would be determined for a spot check.

Council Member Halverson discussed a statement made by Weible regarding union employees and their affiliation not being determined. Halverson noted that he contacted Auditor Arnold and she had indicated that there are 11 unions, and no union employees were used as absentee ballot judges. Arnold also had provided laws that regulate whether the County can release the party affiliation of judges or not and whether a judge is listed on a party list. Halverson informed Weible that he would prefer that he didn't make the comment that we are using union employees and the union is only paying into one party. That is a false statement and it is unsubstantiated. Weible confirmed that when the County is using employees on their ballot boards, you cannot ask their party affiliation and that is actually where we need to have the party balance by using the party list. Granted, in the past the Republicans absolutely failed, but there are three avenues to apply for election judges; 1) Precinct Caucus night, 2) through your party's websites, and 3) directly between the government entities. Weible noted Halverson's request.

Knier asked if it is legal to get rid of the Dominion voting machines from a City perspective. Mattick responded that he would want to review; 1) what contract do we have with the County in terms of what our obligations are, and 2) asked if this is specifically a Dominion issue. Weible explained that there are three systems authorized for use in the State of Minnesota which consist of Heart, Dominion and ES&S. Weible noted that it is an all systems issue. As he doesn't think the citizens and this team here have been involved in the decision-making process. We don't know what we don't know in that how secure are the systems, how are we really testing it, and noted that even the EAC says our certification is not a replacement for State certification or even local testing and certification. He thinks this is an area where it would be good to have voices from the City's to say our County should take the next level and we should do some additional testing. We should also understand the security more because the Secretary of State isn't really bringing an outside testing lab in, we may have to start creating our own standards to understand what this all is. He feels there is more work to be done. He looks at all the different hacks that are out there. He feels we need to have better experts come in and say what is exactly reasonable, what is plausible. In 2021, the State of MN added wireless devices to be allowed in the tabulators to use to allow the precincts at the end of the election process after the tapes have been printed, to now send in the vote totals to make it faster. Mattick explained that he is not a security expert, the nature of the question is that we are using a product where there have been flaws pointed out, but he is not necessarily sure based on tonight's presentation that it is a Dominion problem, or is it just an overall security concern. Knier responded that it would be a function of switching away from any machines and going to a hand count process.

Council Member Halverson noted that since we are so close to the Primary Election date, he asked the Auditor if we can even switch our process at this close date. Auditor Arnold responded that any change would warrant a change in election plans. Weible discussed confusion with what exactly is the election

period and if we should be counting the absentee voting period in that calculation. Halverson questioned if the problem is really with the machines because even if we go to a hand count process, the results will be sent electronically whether they are hand counted or not. Weible discussed concerns with hacking the tabulators.

Weible encouraged the Council to not just accept everything blindly, this is why we have audits done in every single City in every single County regarding the financial books. We aren't saying that everybody is a crook, we just want to make sure that the voters have the assurance that the books are done correctly. Mayor Knier discussed his suspicion with the Cast Vote records, noting that the machines default to have the Cast Vote record turned on, but for some reason they get turned off so the opportunity to verify anything is lost. Weible expressed that the Cast Vote record is a federal standard that was helped developed by the EAC so that every vendor had to create the same Cast Vote record in the same format.

Council Member Seefeld motioned to recess the May 25, 2022 Council Workshop at 5:48 p.m. until immediately after adjournment of the May 25, 2022 Regular Council meeting. Seconded by Council Member Noding, unanimous ayes, motion carried.

Mayor Knier reconvened the May 25, 2022 Council Workshop at 7:24 p.m.

Mayor Knier reopened the election discussion item. Knier expressed that he trusts what we have going on here locally completely, but he is concerned that there are people in this world that are very good with computers, and he wants to see some verification that the machines aren't being tampered with. He would like to look further into spot checking.

Council Member Halverson asked if we have had a recount using the Dominion machines. Gina Wolbeck responded that on average, 7 out of 10 of past elections have recounts so it is very common here. Halverson discussed that if we are already doing recounts, what would a spot check do if we are already rechecking 70% of the time. Knier expressed that we are only recounting close races. Wolbeck noted that recount results have historically been very accurate when compared to the votes tabulated by the machines. Knier stressed that if that is what it will take to prove accuracy with the machines, we should do spot checks. Halverson questioned where the proof is that vote counts were flipped. Knier asked where the proof is that the vote counts weren't flipped. Halverson asked if the flipped votes accusation is verifiable, or is it speculation. Council Member Noding noted that Weible said it was speculation in that he was a doubter and that he was going to wait until he got data in order to contemplate that had actually happened. Noding asked if recounts are mandated. Wolbeck explained that recounts are mandated under certain circumstances at the State and Federal level, but at a local level, the losing candidate would have to request a recount. Noding stated that a recount is different than what Weible was referring to as a spot check. Wolbeck reviewed that if a spot check is legal to do, it is possible that the only time it could be done would be on election night before the ballots are sealed. Council Member Seefeld discussed the possible option of spot checking at the Canvassing Board. Wolbeck indicated that she is not aware of how, or if that is allowed, and indicated that she is not saying it can't be done, she just doesn't know the legal grounds that would allow for it. Halverson suggested that we need to have a legal opinion from the City Attorney on if we can legally do a spot check. Council discussed what a spot check could potentially look like. Wolbeck discussed that she would recommend that if we are legally

allowed to do a spot check, and if this Council directs spot checks be done, that we have a separate election judge team that would come in after polls close to conduct the spot check. Wolbeck reviewed the difficulty some communities have in securing certified judges to work elections, and noted concern with keeping judges if this Council goes to a hand count election plan. Mayor Knier recommended that Council Members watch the movie 2,000 Mules.

Council Member Hanson stated that he is favor of the spot checks if we can do them legally. Hanson discussed concerns with absentee voting processes and how we can ensure that absentee voting records are entered correctly, and suggested that we hold our Public Accuracy Testing in the evening hours so members from the public can attend. Wolbeck stated that she would be amenable to that, but we would need a commitment from the County that they have someone on staff while we do our testing as we need to have support during the test. Our job during this testing is to ensure that things are running correctly so there are always questions that come up during the Public Accuracy Testing and that is the time to address those questions. Hanson stated that he is not in favor of getting rid of the Dominion Voting System at this time. If we find evidence that there is something going wrong with the counts, we can look at next steps.

Council Member Noding reviewed her years as an election judge, and noted that she has nothing but confidence in the way Gina has managed things. In no way is how she runs things being impugned by herself and she doesn't think by anyone else on this Council. What we are talking about doing, if it's even possible to do it, is to bite off a tiny segment and do a spot check just to increase public confidence. We have no control after things leave here and go on to the County and higher levels after that. Those are bigger problems that we cannot control at the local level.

Council directed Staff to request the City Attorney provide an opinion on if the City can coordinate a spot check at one of the 2022 elections.

#### **4B. Discuss Joint City/Township Owned Parcel Located in the Knick Knack Knoll Development**

Hanna Klimmek reviewed the jointly owned City/Township parcel located in the Knick Knack Knoll Development. The 2.6-acre parcel was purchased in 2007 with the intent to use it as a filling substation for the jointly owned Big Lake Fire Department. It has since been determined that the Fire Department no longer needs the substation and City and Township staff have initiated discussion regarding the potential sale of the property. Klimmek noted that at their February 9, 2022 meeting, the Township Board voted to move forward with the process of selling the property as is. Staff asked for Council consensus on moving forward with marketing the property as is and negotiating a Purchase Agreement with a buyer.

Council directed Staff to move forward with marketing parcel no. 10-541-0625 as is, and to authorize Staff to negotiate a Purchase Agreement with a buyer.

**5. OTHER**

Council Member Hanson reviewed the personnel committee meeting held yesterday regarding the Police Chief hiring process and asked Council to discuss setting a date to hold a special workshop to identify candidate finalists. Hanna Klimmek reviewed that Staff will bring back an item to the next meeting to set a Special Council Workshop date on Wednesday, June 15, 2022 at 4:30 p.m.

**6. ADJOURN**

Council Member Seefeld motioned to adjourn at 7:50 p.m. Seconded by Council Member Hanson unanimous ayes, motion carried.

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Gina Wolbeck  
City Clerk

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06/08/22  
Date Approved By Council