

**BIG LAKE CITY COUNCIL
WORKSHOP MINUTES**

JULY 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, 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, Big Lake Student Liaisons Ella Dotzler and Allie Cross, and Consultant Sharon Klumpp from Baker Tilly.

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 Interview Debriefing Discussion

Sharon Klumpp reviewed the interviews held to fill the vacant Police Chief position. Three candidates were interviewed on July 11 and 12 by various panels including a community panel, law enforcement panel, Management Team panel, and the City Council. Klumpp reviewed the poll results and asked for direction from the City Council on moving forward with selecting a finalist to fill the position.

Mayor Knier noted that he was surprised at how close the poll results came in on the first two applicants. One of the applicants was clearly the top candidate due to a couple of answers provided by one of the other candidates.

Council Member Halverson discussed the education requirements, noting that he liked Dvorak due to his level of education and years of service, and likes that he comes from an atmosphere of what we are looking for. Some of the comments from the other panels were a concern that John would bring the inner-city mindset out here. Halverson stated that he feels Dvorak was definitely the No. 1 candidate because he seemed better educated and better skilled, and he feels he would fit in better with our people and our atmosphere of out to in, versus in to out. He does have an issue with the other gentleman, afraid he is going to bring in a separation of groups versus the whole community.

Council Member Knier stated that he agrees that Dvorak was very impressive, but he didn't vote for him but for Kaczmarek. Knier noted that he didn't vote for Dvorak because while he strikes him as someone who commands a room, there were two questions that were a deal breaker. One question was relating to a government mandate contradicting the constitution. Kaczmarek's answer was that they would respond, tell the property owner what the rule is and then leave. Dvorak's answer was that we go out there, we tell them that if they do it again we tag them, and he even talked about court cases that were involved. Knier stated that Dvorak's answer was a huge stomping on our rights as citizens which is not our culture here. The other statement made that concerned him was at the end of the interview regarding Dvorak's statement that he does not have to work, he can do whatever he wants and he chooses to be here in Big Lake. Knier had heard about Jeannetta being one bad day away from retirement. If we are going to say that about Jeannetta, we kind of have to say that about Dvorak also. Knier also noted that he doesn't believe Kaczmarek is going to bring big-city issues to Big Lake, noting that he is at a stage of his career where he wants to get out of the city and wants to be in a city where citizens appreciate the police. Knier noted that he is young enough where he's hungry and this would be the next step in his career. He feels Kaczmarek would fit very well in to the Big Lake culture. Halverson responded that he has a problem with the constitutional statement because a patrol officer doesn't have the right to override his Chief of Police. If that is the directive given to an officer, they have to follow it. To use that statement against him is not fair as he is being directed by the County Board and the Sheriff, noting that if he doesn't follow the directive, he could lose his job. Council Member Hanson clarified that the question was written to ask what the interviewee would do if he was the Chief of Police. Halverson expressed that he feels Dvorak answered the question wrong, and maybe didn't understand the question. Seefeld noted that Council gave multiple follow up questions in an effort to make the question clear. Halverson stressed that we shouldn't throw an applicant out because of one question. We have to look at the department as a whole, and noted that we have to weigh the positives and negatives. We have a guy that has way more years of service, way more education, and way more knowledge, and questioned why we are willing to dispose of him because of one question. Knier stated that is not true and clarified that he had issues with how Dvorak answered two of the questions, and they were big questions. Halverson stated that he had issues with statements made by the other candidate but we have to weigh out the positives and negatives, and Knier responded that he agrees, which is what we are doing. There were a lot of positives, but this is a pretty big negative in his opinion.

Council Member Seefeld discussed that it was extremely close between Kaczmarek and Dvorak. He really liked how Kaczmarek answered the Second in Command question. He voted for Kaczmarek, but noted that it was a tough decision between the two.

Council Member Hanson disagreed with some of the panel comments in that Kaczmarek would bring the big-city vibe to Big Lake. He disagreed with that because he is coming from a city with a population of 12,000 and Dvorak previously came from a city of over 200,000 residents. Hanson also noted that Robbinsdale's budget is really close to ours as well. Hanson noted that someone also commented that Dvorak would get bored here because he has had such big projects. He wants someone that is hungry to build up this community at the rate that we need to go at and not jump us from A to F so quickly. He feels Dvorak maybe had a little too much hunger for that and he has had a lot of background in big departments, and noted that we are still a very small department. Hanson stated that this is one of his biggest reasons why his decision is to go with Kaczmarek.

Council Member Noding noted that it was a tight decision, but she did prefer Dvorak over Kaczmarek due to experience and education. He has experience and knowledge in business, management, and social work, he has a psychology degree, and has such a diverse background. Noding stated that she did not like his answer to the same questions Mayor Knier has issues with, but he kept referring back to his experience. The Chief of Police is going to set policy for home visitations in a crisis or emergency, but not without influence from the City Council. We have two good candidates and either one would do a good job with whatever appropriate guidance they need to do it. She was impressed that he went around for two days and visited with community members and got a good sense of the community and how people feel about the department.

Klump asked if the appraisal form and some of the different factors were helpful in helping Council decide between the two candidates. Having two viable candidates is really a good position, and she expressed that she was pleased that Council came together on two of them. The question really comes down to who edges out as number one and who is number two. Sometimes people change their opinions on that, and encouraged Council to discuss the factors to see if they will help with the discussion.

Council Member Seefeld reviewed that with the mistake question, he felt that Dvorak didn't give a strong enough response. Noding commented that his answer to this question blew her socks off. The reason his response impressed her so much is that eventually he stood up to someone who had command over him. Her concern with Kaczmarek's response to that question is that he felt he had made a top down decision without talking to the rank and file before he made the decision. She isn't sure if he addressed how he would handle the situation if he could do it over again. It sounded like it was a regret of his because of some of the push back he may have gotten. Both were good answers in her opinion, but she does wonder about how John answered in a sense how he would have handled it differently to create more buy-in at the front-line officer level.

Council Member Halverson reiterated that his biggest fear is that Kaczmarek comes from a big city, and is concerned that he could be a micro-manager. He seems to be good at what he does, but he is concerned that his style isn't going to match our police officer's style. He had concerns with how Kaczmarek talked about policies. Halverson stated that he liked that Dvorak talked to people who all talked so highly of our police department, and they talked highly of the Interim Chief. He acknowledged our police department, he acknowledged our guys and our current chief and said that, evidently, we have done something right and that is the type of person we need to learn from. He never got that vibe out of John, and had concerns that John wouldn't come in to gel, but would come in to take over after his 6-months. He didn't talk about our command staff or about putting any of our guys in the command staff. Halverson stated that he didn't get the vibe that he was on-board with our operation. Knier noted that he feels Kaczmarek has been successful, and very highly regarded in his department. He doesn't want to say anything negative towards Dvorak, but he commented that he is a little bit more of a salesman than Kaczmarek, which is not necessarily a bad thing. He does see Kaczmarek as being very reliable and will be very dependable in a great way. Not that Dvorak won't be, but his personality type would be more likely to get bored. They both have very good track records and are both phenomenal candidates, but it's clear to Knier that Kaczmarek is the better fit.

Klumpp reviewed that she talked with Kaczmarek after the interview, and he spoke highly of the tour and meeting members of the department. She asked him about perceptions of coming from the metro area. He responded that he feels it would be an opportunity to come to this department and he would plan to be here for a good period of time. She didn't get the sense that he was just going to bring up what he knows, and she noted that having the candidates meet the Becker and Elk River Chiefs was very helpful because there was discussion about the need for coordination between the communities that are impacted by the Highway 10 corridor. Klumpp noted that Kaczmarek appeared to be very comfortable in speaking about his focus being on Big Lake and not on metro area issues.

Council Member Seefeld discussed that he believes Kaczmarek will work with the wishes of Big Lake, just like he did while he was with Robbinsdale.

Council Member Noding reviewed that Dvorak had discussed that during his first 6-months he would focus on transitional management to figure out what already works, how to enhance it, and utilize his command team and focus on community engagement by meeting people at their level. John said that his job would be to observe, assess, and do no immediate changes. He would work on earning trust, get to know people, and use a 10,000-foot perspective. Kaczmarek also had discussed that he sees the need for a command structure. The two candidates just have different styles and different ways of stating their plans, but they essentially have the same plan.

Council Member Halverson noted that Kaczmarek had made the comment that they changed their pursuit policy and really didn't worry about anyone around them, which would be a concern if that happened here, noting that the Chief has to care about the surrounding communities. Noding noted that this was his answer to a mistake he had made.

Mayor Knier again stated that the candidates are very close, but that his biggest objection to Dvorak was his mandate answer that people need to be stopped/cited, and then he said they had a successful conclusion. Klumpp recalled that there was a distinction with one of them talking about advising and giving information, and that the approach coming from the County was that there were directives coming down from the Bureau of Criminal Apprehension that they were working on that kind of assignment. Klumpp questioned if there is a difference in how counties looked at the mandate. Counties have a public health department, which is where these directives could have come from. It is a bit of a historic example in terms of what we have been through. Knier asked if what she means is it won't ever come around again that government is going to try to infringe on people's rights. Klumpp responded that she hopes not. Knier commented that he thinks it will happen again. The other thing that she looks at is during her time that she worked for the government, the constitution was the foundation for everything. When there is a question that comes up constitutionally, her sense is to be raising that to attorneys to get information from professional associations that are working with it and interpreting it. There is a way that the Police Chief has to work with it and she thought Dvorak brought some interesting things forward as he was giving various examples of how that might apply, but to her that whole question is looking at the fact that you want to make sure constitutional rights are upheld. A Police Chief is more than likely going to fall back on an attorney who is involved and educated in this area. It's really going to be proceeding on the basis of what we can learn from law. She struggles with that question because

constitutional questions are often litigated. There is usually something there that is of an interpretational value.

Council Member Hanson also brought up that he put a lot of weight on the panelist comments. One thing that he especially considered was the public safety panelist comments as they are not your average citizen. These individuals have been in this career for many years, and they have the ability to see through all the mud and really look at a person's characteristics. Hanson noted that the Public Safety panelists showed more negative responses on Dvorak than Kaczmarek.

Halverson stated that after listening to the interviews, he had assumed Dvorak was in front and he knew that he would lose because of his response to the constitutional question. He feels Dvorak had the best presentation, but blew the interview on the one question. Knier asked for it to be clearly stated that he isn't saying that he would have voted for Dvorak without that question. Knier also clarified that he previously brought up two questions that Dvorak answered that he was concerned about. Council Member Noding discussed that she didn't take it as one bad thing and he would be out of here kind of statement. Mayor Knier stated that he feels Kaczmarek is hungry and right in the middle of his career. This would be the next step in his career. Noding discussed the constitutional question and noted that she feels Dvorak was focused on Miranda rights when it came to how he answered that question. He focused on statute in that the badge does not allow bending the rules. He had stated that he was not interested in violating the people of Big Lake, or violating the staff, but noted that staff and the Chief must have integrity. John Kaczmarek's comments circled around keeping up on active reform and legislation, and that the idea of government overstepping was a difficult question. He didn't make any broad statements, but indicated that we should pick our battles. Dvorak was mainly focused on not violating the badge or manipulating what the badge allows you to do. Knier asked Noding if she got a sense that Kaczmarek would bend the rules. Noding responded that she didn't really get that sense from either one of them, which if she had, it would have been a giant red flag. Klumpp discussed annual training for Police Chiefs that include public safety constitutional issues, and discussed that it is a very difficult area to respond to.

Mayor Knier discussed that he doesn't see that Kaczmarek would bring big-city policing to Big Lake. He stated that his perception is that he sees Kaczmarek as much more malleable and he doesn't see that as a bad thing. He sees Dvorak as a very strong personality which might keep him from molding into the culture of Big Lake as would someone like Kaczmarek who is younger and is more malleable to fit into our culture. Knier clarified that Kaczmarek doesn't live in Robbinsdale which is a population of 12,000, he only works there. He feels Kaczmarek has the type of personality that would be willing to learn and be flexible, which Knier took as learning to fit into the culture of Big Lake. Halverson stressed that we aren't going to change each other's mind.

Hanson stated that the constitution question only factored in 1% towards his decision, and that the question would never be a tie breaker for him to decide between the two. Klumpp discussed that the reason she had suggested that Council look at the competitive factors was that it would help move the discussion from how a question was answered, to looking at what their experiences are and how that would fit into the Council's decision. Klumpp reiterated that we have two very good candidates which always makes it difficult. The differences she sees is that Dvorak has extensive leadership, and Kaczmarek

would be someone that would be really good with changes that may be needed and looking at things for a growing community. Kaczmarek also scored very well in the public safety panel. He was very good in the supervision issues discussion, and how he has worked with officers and accountability. Knier stated that he does see Kaczmarek fitting in better with the management team in Big Lake.

Klumpp discussed that candidates tend to appreciate for the City to get to the point of fully getting behind a candidate as our next Police Chief, and that would open the door for her to work with our staff to get benefit information, discuss salary, and to understand what the finalist's expectations are. Klumpp also noted that the City Attorney has advised that the City make a Conditional Offer of Employment before the evaluation is done on the chosen applicant. Council Member Hanson stressed the importance for the five Council Members to make this a unanimous decision, if at all possible. This would put our support behind our new Chief which is what this community needs. Hanson stated that he would like to move forward with Kaczmarek and would like to have all five Council Members on board. Mayor Knier stated that he is on board with Kaczmarek. Council Member Seefeld discussed that if the tables were turned, he would definitely consider flipping his vote to show unanimous support. Knier asked Halverson if he could support Kaczmarek as Chief. Halverson responded that he would have to support him if he was the Chief, and Knier stated that even though he wouldn't be the guy he wanted, he is still great. Halverson noted his concern about throwing a young Chief into a young Department. Seefeld noted how close the two candidates were and how difficult it was to choose. Knier expressed that he has heard from police officers that they would like to have a young Chief, someone that can relate to them. Knier asked Noding if she could support Kaczmarek as Chief. Noding responded that whoever is chosen, she will get behind that person. Knier asked if we can come to a consensus for the sake of unity. Hanson asked if we have a consensus of the City Council to direct Staff to bring Kaczmarek forward to the next Council Agenda for appointment. Halverson stated that he doesn't have to vote yet, but he will support whoever is the Chief. Seefeld stated the importance of having support before they become Chief. Knier discussed that it would be good for the community to have consensus. Both candidates are fantastic, and it would be silly just because we didn't necessarily agree to do any bad mouthing of anybody. It would not be good for the community, wouldn't be good for the Department, and certainly wouldn't be good for the incoming Chief. It would be good to have that support before he becomes Chief. Klumpp reviewed that we can work with the consensus and she will contact the candidates this evening and let them know their status. Klumpp also stressed that searches can take unpredictable turns. She doesn't think this will, but she has been wrong before. Halverson asked if it would be possible to sit down with Kaczmarek before the vote. Klumpp responded that it might be possible. She stressed that the decision is made by the collective Council so if there is a desire for further conversations, we have to make sure that is something the Council wants to do. Hanson stated that our Police Department deserves for us to come to a decision, and finalize as soon as possible. There was further discussion that Council Members might want to talk to Kaczmarek before the next meeting.

4B. Discuss Budget Workshop Options

Deb Wegeleben reviewed options for holding budget discussions for the 2023 City budget planning. Council has the option to hold the discussions during regularly scheduled workshops in August, or set special budget workshop dates.

Council directed Staff to move forward with setting special budget workshop dates on August 11, 18, and 25, 2022 beginning at 4:00 p.m. in the City Council Chambers. Wegeleben noted that this item will be included on the July 27, 2022 City Council Meeting consent agenda.

Council Member Noding motioned to recess the July 13, 2022 Council Workshop at 5:53 p.m. until immediately after adjournment of the July 13, 2022 Regular Council meeting. Seconded by Council Member Seefeld, unanimous ayes, motion carried.

Council Member Noding motioned to reconvene the July 13, 2022 Council Workshop at 6:50 p.m. Seconded by Council Member Hanson, unanimous ayes, motion carried.

5. OTHER

Paul Seefeld discussed the recommendation from the Big Lake American Legion for the need of a flag display at Lakeside Park. Deb Wegeleben asked for permission from Council for staff to put together pricing and the possibility of setting up a fund that will be funded through donations from the Big Lake American Legion. Norm Michels discussed that he feels strongly that a flag is needed at the park, but firmly believes that it should be roped and secure. Michels also discussed that the flag display could be located along the center boulevard at the entrance to the park, but he is open to other ideas as well for placement. Council Member Noding noted that she feels there needs to be nice landscaping to enhance the display. Council directed Staff to move forward with getting pricing on both a single and a triple flag display.

Council Member Hanson discussed previous Council direction to advertise to fill retiring Police Officer Todd Siebert's position, and noted that since that time, another officer has resigned his position. The Police Department has held interviews and have found two candidates that they would like to move forward for consideration for appointing. Council directed Staff to move forward with this process.

Council Member Hanson also discussed resident concerns with the greenways and discussed the possibility of the City selling these areas to adjacent properties. Some of the areas were used for getting water for firefighting years back and some of them have become beach areas. There have been complaints of undesirable items being left at the areas, boats parking along the shoreline, and trespassing on private docks and yards. Council Member Halverson stated while he understands the littering issues at these sites, he noted that he has a hard time restricting these public land areas from taxpayers. Halverson stressed that it should be more of an educational opportunity rather than getting rid of the public areas. Layne Otteson reviewed past discussions regarding the greenways. One thing that was discussed was the MNDNR having an issue with the City selling or turning back these parcels over to private landowners. Otteson recommended that staff research and contact the MNDNR to come back with more information to the Council. Norm Michels reviewed that a portion of these greenways do have storm sewer going through them, and some were set up for allowing people access to the lake. Mayor Knier discussed that he understands the debris complaints, but agrees with Halverson that we shouldn't get rid of public access. He stated that he feels this could be an unwise use of staff time to research if it's something a majority of the Council isn't going to be willing to change. Council Member Noding discussed that there could be value in determining MNDNR regulations on these sites, but also recognized the value of storm drain access and public access to these sites. Hanson suggested we look into updating signage or barriers. Halverson asked if

there are trash containers located at Sandy Beach. Michels indicated that it is designed for public access to the lake and there are garbage receptacles and a port-a-potty at the site. Michels also noted that we have these same issues at Lakeside Park and other City parks. There are a couple greenways where markers have been put up, and there has always been pedestrian access in these areas. Michels also discussed that some residents do take care of these areas and have offered to maintain the areas so the City doesn't have to. There are also a couple sites that are extremely hard to maintain due to the steep slope. Council Member Seefeld reviewed that we could get rid of the ones that are not used at all. Halverson stressed that he doesn't think it is a good idea to open the door on this. If we believe that the public can use these areas, we shouldn't put staff time into researching this. Hanson discussed that the steep sloped greenways don't provide access to the lake so we could consider vacating these areas if they aren't needed. Halverson also asked how we would determine which ones are being used, and which ones aren't being used. Knier discussed that if there is a steep greenway that no one is going to walk on and the owner would pay the City to purchase, maybe that would be something to think about in that regard. Otteson reviewed that the dead-end street areas also provide snow removal benefits, and reviewed that when alleyways are vacated, they get split equally between adjacent property owners. Hanna Klimmek discussed possible signage on greenways, and Michels reviewed current signage at some of the sites. Hanson suggested that we need more visible signage at specific greenway areas, especially Sandy Beach. Michels discussed that the MNDNR owns the water area and he doesn't believe we are able to restrict temporary boat parking along the shoreline. We would only be able to control boat parking if someone is parking their boat on a more permanent basis.

6. ADJOURN

Council Member Seefeld motioned to adjourn at 7:16 p.m. Seconded by Council Member Halverson unanimous ayes, motion carried.

Gina Wolbeck
City Clerk

07.27.22
Date Approved By Council