

April 30, 2020 Regular City Council Meeting

MINOT CITY COUNCIL – SCHEDULED MEETING – APRIL 30, 2020 AT 12:00 P.M.

ROLL CALL

Members Present:

Jantzer, Olson, Pitner, Podrygula, Sipma, Straight, Wolsky

Members Absent:

None

PLEDGE OF ALLEGIANCE

Mayor Sipma presiding and led the City Council in the Pledge of Allegiance.

AMEND THE AGENDA – APPROVED

The Mayor mentioned that an attorney was available by phone in reference to the Executive Session and it would be appropriate to amend the agenda to address the Executive Session prior to discussing the other agenda items.

Alderman Olson moved the City Council amend the agenda, placing the Executive Session as the first item. Motion seconded by Alderman Pitner.

Alderman Wolsky said he had recommended the order of the agenda as it was written so that the public would know what time discussion would be taking place. He said, he understands the need to prioritize the Executive Session since the attorney is on the phone.

Whereupon a vote was taken on the motion by Alderman Olson, seconded by Alderman Pitner and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Sipma, Straight, Wolsky; nays: none.

EXECUTIVE SESSION

Mayor Sipma stated the next item on the agenda would be an executive session. The topic of this executive session is City Manager Contract: Pending Predictable Litigation - Attorney Consultation and Discussion of Potential Litigation Strategy and/or Guidance for Negotiation Strategy/Instructions. The legal authority for closing this portion of the meeting is Pursuant to Authority of N.D.C.C. 44-04-17.1, 19.1, and 19.2. The topic or purpose of this executive session is to seek and receive legal advice relating to the contract.

The Mayor stated, at this time, a motion would be needed in order to discuss the next topic in executive session rather than in an open meeting.

Whereupon, Alderman Olson moved the City Council move to an executive session. Motion seconded by Alderman Jantzer, and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Sipma, Straight, Wolsky; nays: none

The Mayor then stated the executive session will be recorded and all members of the governing body are reminded to limit their discussion during the executive session to the announced topic. Any collective decision, collective commitment, or other final action by the governing body must occur after it reconvenes in an open meeting, unless final action is specifically required by law to be taken during the executive session. The prohibition on taking final action during the executive session did not apply to providing guidance or instructions to our attorney or negotiator.

Mayor Sipma asked the members of the public attending the meeting to leave the room. He stated, the Council anticipated adjourning the executive session, and reconvening the open portion of the meeting at approximately 1:00 pm.

The executive session began at 12:05 pm and was attended by all members of the City Council, as well as the Mayor, City Clerk, City Attorney, HR Director, Finance Director/Acting City Manager, Communications Specialist, Attorney Randall Bakke (via telephone).

At 1:01 pm, Alderman Pitner moved the City Council adjourn the executive session and return to the regular City Council meeting. Motion seconded by Alderman Straight and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Sipma, Straight, Wolsky; nays: none.

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The public was invited to return to the meeting room with the City Council meeting back in session. The meeting resumed at 1:05 pm.

DISCUSSION ON CITY MANAGER TOM BARRY'S EMPLOYMENT CONTRACT

The Mayor announced to the public that no action was taken during the Executive Session. He said, they consulted with the City's attorney, who was appointed by NDIRF.

INTERIM GOVERNMENT AND LEADERSHIP DISCUSSION AND ACTIONS

Alderman Jantzer began by sharing a statement he had prepared.

He said, "Our unanimous Council action to fire the City Manager, based on the investigation report's conclusions, has been constantly on my mind. I am working to repair damaged relationships, by speaking directly with affected employees. No employee should have to work in a hostile, difficult, situation. Those I have talked to are loyal employees and recognize that we need to move forward. I am grateful for their desire to continue to do their jobs and work to make things better. Several have said they love their jobs, and feel a great sense of relief with renewed enthusiasm toward work, and for that we can all be grateful.

I do deeply regret not suspecting or correctly understanding sooner what the investigation brought to light, and for that I offer my heartfelt apology to employees affected, to my fellow aldermen, and to the citizens.

I have asked the HR Director and City Attorney to provide options to the Council regarding the suspect performance reviews identified in the investigation. The uncertainty of their fairness should not be allowed to adversely affect an employee's future.

Beyond healing relationships, we also need to make changes to our city organizational structure, to make communications to the Council more inclusive of key department leadership, insuring they can report freely to the Council if there are issues with, or they don't agree with the City Manager. I ask that we work on a new structure with increased engagement, openness, and in consultation with our key employees.

As relationships are repaired, restructuring is accomplished, and we take up a number of additional items in Alderman Podrygula's memo, we all need to make sure the City's daily business continues to get done. The essential services must go on, and we have to continue the positive improvements and modernization of city operations that have already been initiated. I ask all of you and City employees to work together as we grapple with the additional dimension COVID-19 and a struggling economy have added to our other challenges. We are stronger working together. I know we can continue to improve things in Minot city government, and produce the results our citizens expect."

Alderman Podrygula echoed Alderman Jantzer's comments and said that no one could have anticipated this would happen. He then discussed the memo that he had provided to Council for consideration. He pointed out that former City Manager Barry did a lot of good for the organization. He said that now, they need to look at how the Council is organized and how information is disseminated. They need to empower employees and provide safeguards. His memo was mostly for discussion but he also included a few specific proposals. He pointed out Alderman Jantzer's suggestion to promote employee safety and mitigate the City's potential liability by instructing the HR Director to develop a statement for inside employee's files regarding their evaluations.

The HR Director stated, there is an item on the regular Council agenda for Monday regarding that issue.

Alderman Straight brought up the need for a 360-evaluation process moving forward.

Alderman Olson mentioned that she also reached out to many of the employees and has received excellent communication since then. She said, the Council needs to communicate with other political subdivisions, business owners and community members as well. There are things that need to be fixed.

Mayor Sipma was apologetic to the staff and to the community for not presenting themselves as open to listen to staff's concerns. He said now, they have the opportunity for more growth and the ability to be more functional as a governing body. He stated, they should not wait to move forward with the search for a new City Manager because it is such a lengthy process. He looked to the HR Director for an update in the near future on how the hiring process should proceed. He suggested they have a planning meeting to discuss all options and considerations.

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Alderman Wolsky prepared a presentation which he shared with the Council. He expressed his thoughts on the situation as well as the lessons, challenges and opportunities. His proposal included an organizational structure utilizing three teams divided into Legal, Financial, and Operational components. The Council would be engaged through the use of portfolios where two Council members would consult with each team. He then proposed the Library Board play a larger role to oversee Library operations. He composed a monthly meeting schedule for Department Heads and teams to provide updates and communication.

He said he is inclined to support what he called, the “three-legged stool.” He suggested they experiment with the proposed structure, or an entirely different structure for 4-6 months to find an effective solution for the organization. The City of Minot currently operates under a City Manager style of government but it is not the only option and they could use this time to investigate alternatives.

At the request of the Mayor, City Attorney Hendershot confirmed, substantial changes to the structure may require ordinance amendments.

Alderman Wolsky suggested they take the opportunity to experiment with alternatives while they have the flexibility under the state of emergency as a result of the pandemic.

Alderman Straight expressed his support for the proposed structure. He mentioned how he and other Council members have talked for years about public engagement and how to energize the community to participate more. He emphasized the role of the Mayor in the community.

Alderman Straight brought up a recent contact from former City Manager, Lee Staab and asked Alderman Jantzer to elaborate on his communication with him.

Alderman Jantzer said that Mr. Staab reached out from his current home in Colorado stating that he is willing to fill in as City Manager to help Minot if that is the Council’s desire. He responded to Mr. Staab by saying, the Council would need to discuss the situation but he thanked him for the offer.

Upon questioning by the Mayor, the HR Director said, the City has made special appointments in the past, for example, there was an interim Airport Director. She stated, there are concerns among staff that employees need some stability and Mr. Staab would provide that.

Alderman Wolsky suggested the Council take the weekend to consider the suggestion and discuss further at the regular Council meeting on Monday.

Mayor Sipma directed the City Clerk to add the item to the agenda.

Alderman Straight expressed his opposition to the idea. He said, Mr. Staab’s background is not in line with operations under a pandemic. He added, he is not interested in taking a step backwards. Mr. Staab chose to leave and although he appreciates the offer, he is not in favor of moving in that direction. He said, he believes they have a professional staff in place who can handle the City’s business and he trusts the Finance Director to serve in the interim.

Alderman Pitner commented on Alderman Wolsky’s presentation by saying, there are aspects that he likes and some he does not. He said, they should consider whether a City Manager is necessary. They should discuss all options including whether a Mayor is necessary. He raised the questions, not because they reflect his opinion but because all options should be considered. He said there are too many barriers between the Council and staff and said all departments work together.

Alderman Olson said she would like to hear from staff before the Council votes to put extra responsibility on their shoulders. She emphasized how long it could take to have a new City Manager in place and cautioned against putting too much responsibility on the current staff for too long.

Mayor Sipma said to factor in the current ability to connect with the governing body. He said they have enough tenure to get some insight on accessibility.

Alderman Podrygula complimented Alderman Wolsky’s approach but said he is not ready to vote on the concept. He mentioned concerns on how to determine priorities. He said they need to have a clear leader in charge and a clear chain of command in place. He said, he supports a participatory management style with clear accountability and decision making

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power. Since it will likely take some time before a new City Manager is in place, he said, they are looking for an interim decision and he looks forward to discussions with staff.

Alderman Pitner shared ideas on how to ensure that everyone who gets elected can participate in leadership roles. He suggested sharing some responsibilities through some restructuring. Some responsibilities of the Mayor could be rotated among Council members.

Alderman Podrygula compared the organization to the strong tradition of democratic participation in religion. He said they can have a hierarchal structure and maintain equality.

REQUEST TO STAFF TO PROVIDE A LIST OF ONGOING ACTIVITIES, PROJECTS AND PRIORITIES FOR FUTURE AND CONTINUING DISCUSSION

Alderman Wolsky explained that he requested the agenda item so they could discuss how to prioritize the time, energy and capacity of departments over the next few months. He requested the department heads compile a list for the second meeting in May so the Council could get an idea of what they are working on and identify any capacity issues that might be taking place.

Mayor Sipma brought up anticipated discussions with staff and Council regarding the upcoming Legislative Session and the significant implications on the City. He said, there is an important financial impact which they do not want it to get lost in the interim. He looked to staff to provide a comprehensive update in the near future.

Alderman Jantzer stated, he would have phrased this agenda item to better emphasize that the Council needs to know what staff needs help with. He does not want to simply give staff another list to build. The intent is to identify areas that need more resources and how the Council can provide relief.

Mr. Lakefield said, he appreciates the sentiment and although some Council members have mentioned during earlier discussions that they push back the software implementation, he said they are still on track with that project. The go live dates were scheduled around other work that they do and it would be more cumbersome to restructure their course. They will continue to prioritize projects and evaluate staff and resources going forward.

Alderman Podrygula agreed with Alderman Jantzer's comments. He questioned if there are things that just don't make sense to continue doing. He said to focus on employee's mentality and workload and to be cautious of burnout.

Alderman Wolsky affirmed that was the intention of the agenda item.

Mr. Lakefield stated, he would bring back the requested information. He said the departments have a talented capable group and they will continue to work together effectively. He mentioned that the department heads met and had a good discussion on the situation and they are meeting again that day for a follow up conversation. There are things they discussed and some they can all do better.

Alderman Straight said he would work harder to have staff questions answered prior to meetings so they can save everyone's time.

Alderman Jantzer said he would work to set priorities as well as transform Alderman Podrygula's memo into a succinct work plan.

ADJOURNMENT

There being no further business, Alderman Wolsky moved the City Council meeting be adjourned. Motion seconded by Alderman Pitner and carried unanimously. Meeting adjourned at 2:09 pm.

ATTEST: _____
Kelly Matalka, City Clerk

APPROVED: _____
Shaun Sipma, Mayor