

**PARK RAPIDS CITY COUNCIL  
SPECIAL MEETING  
FEBRUARY 5, 2020, 6:00 PM  
Park Rapids City Council Chambers  
Park Rapids, Minnesota**

**1. CALL TO ORDER:** Mayor Ryan Leckner called the City Council Special Meeting for February 5<sup>th</sup>, 2020, to order at 6:00 p.m.

**2. ROLL CALL:** Present: Mayor Ryan Leckner, Councilmembers Tom Conway, Erika Randall, Liz Stone, and Robert Wills. Absent: None. Staff Present: Administrator Ryan Mathisrud, Treasurer Angela Brumbaugh, Public Facilities Superintendent Chris Fieldsend, Police Chief Jeff Appel, and Clerk Margie Vik. Others Present: Attorney Steve Peloquin, Ellis and Cynthia Jones, Park Board Members Barb Thomason and Ruth Ann Campton, Sue Tomte, Rod Nordberg, and Shannon Giesen from the Park Rapids Enterprise.

**3. CLOSED SESSION:**

**3.1. Introduction-Preliminary consideration of allegations against a City of Park Rapids Employee under Minnesota Statutes 13D.05, subd.2(b):**

Leckner stated this was scheduled as a closed session for preliminary consideration of allegations against a City of Park Rapids employee under Minnesota Statutes 13D.05, subd.2(b). The employee is Christopher Fieldsend. Mr. Fieldsend has requested that this portion of the meeting be open. We are considering the letter from City Administrator Mathisrud to Christopher Fieldsend dated January 31<sup>st</sup>, 2020. I recommend that we do the following, give Mathisrud time to update us on the matter, the Council will then discuss the January 31<sup>st</sup> letter to Fieldsend, and options of action to take, if any. He requested comments from the Council. There weren't any.

Mathisrud stated this meeting is to discuss preliminary allegations against Fieldsend related to the engine failure on Unit 5, which is an F-350 pickup. Based on the facts obtained during the course of the investigation, which I summarized in my report to Council on January 28<sup>th</sup>, I recommend that Mr. Fieldsend be discharged from his employment with the City of Park Rapids. He's been given notice of this recommendation in my January 31<sup>st</sup> letter to him. Ultimately, as the City Administrator my role in this matter is to make recommendations to the Council. The Council as a whole is the decision-making body in this action. You also received additional information which spells out some of the other options the Council could pursue with this.

Leckner stated Mr. Fieldsend and your representative may now present anything that you have. Steve Peloquin stated I will speak for Mr. Fieldsend as his representative in these proceedings.

Peloquin stated I believe Mathisrud provided you with copies of Fieldsend's written response, which is a document that he put together and I was fine with that. That should be in your Council packet. The mayor confirmed they had received it.

Peloquin stated I'd like to make some comments on his behalf concerning Mathisrud's recommendation to the Council. As you are aware, I sat through your initial meeting last week where you discussed what possibly to do in directing the administrator who has now made this recommendation.

Peloquin stated I was confused with who is supposed to be doing what. It's pretty clear the fleet maintenance pretty much covers fleet maintenance. I looked at the job descriptions not only for Fieldsend as facilities maintenance superintendent, which includes duties maintaining city equipment, logs, repairs and maintenance, supervising fleet maintenance staff, and others. I also looked at the public works superintendent, who supervises work for equipment procedure safety, maintains files, orders, approves repairs, supervises public works maintenance staff, public works utility and street maintenance staff. Those are the 2013 policy descriptions. Then I looked at the public works maintenance person, which is to perform certain mechanical duties and that's oil changes and reports to the public works superintendent. The shop foreman, who is a mechanic, also does oil changes, repairs, and the like, and he maintains inventory and is accountable to the public works superintendent. Those are 2001 job descriptions. Both of the superintendent positions report to the city administrator.

Peloquin stated on top of that there was a change in city administrator leadership in August or September (of 2019). I looked at some communications concerning the failure to maintain the truck properly, which resulted in the engine ceasing up and having to be replaced by all of us as taxpayers, for a big chunk of money, \$7,000.00. Reviewing that email of Brumbaugh/John McKinney to public works it looked like at least that administrator was placing responsibility for coming up with procedure reports and otherwise assigning some blame to that department. I only bring this up in that there was a concern by Councilmembers relative to Fieldsend's response to the August/July failure to maintain the vehicle. It appeared to me at a minimum that there was confusion in the ranks, and the supervisory ranks, as to what was happening here, who was responsible, and what steps would be taken to make sure it did not happen again.

Peloquin stated from that I understood, then the current administrator took over the duties, it appeared then there were communications between Fieldsend and the administrator relative to following up with reporting and implementing a procedure process to make sure this never happened again, which is ultimately, your concern. That apparently is still in process. I'm not sure where that process is at, we don't have access to those records. I then reviewed with Fieldsend the letter notifying him that Mr. Mathisrud is recommending that he be terminated based on, I think, a feeling or information that he got from the Council last week, at least in part. I looked at that, thought about it, and read these other documents that I have access to and have these comments to make and I hope that they will at least provide some basis for your decision.

Peloquin stated one, it looks like there wasn't an administrator timeline for the development of this policy. That was unclear to me as to when that should have been

developed, when and how it's going to be developed. Although, it was also clear based on communications between parties that remediation, that is the actual fact making sure the oil is checked and changed, in other words, taken care of what was happening right away. Somewhere these people took what happened seriously so that they were making sure all of the equipment was timely maintained. I didn't hear any acknowledgement of that last week.

Peloquin stated it doesn't look like administration is taken action to address the overlapping, at least, the somewhat confusing job descriptions between department heads here. Especially as it focuses on fleet maintenance. I think the Council is aware of this. It's been brought up in prior Council meetings that we have a confusing or at least an issue concerning a clear scope of responsibility of reporting from the people that have to check the dipstick all the way up to the city administrator. It was also mentioned by a Councilmember that in fact this was and continues to be, in part, a systemic failure. It needs to be addressed right from the bottom all the way up to the top, in fact that it needs to be clearly delineated as to who's to do what, when and how. That is in process from what I can tell based on the communications that I looked at and by Fieldsend's comments to me.

Peloquin stated I also was concerned about there really doesn't seem to be any proportional response which recognizes what appears to be multiple failures in the chain of command, starting from the point of the dipstick and checking it, all the way up on the top of implementing clear procedures, and clear scope of responsibilities for the duties of superintendents and on down. We haven't seen all of the reports yet, we haven't had that made available to us.

Peloquin stated we understood the focus of the report was going to be what happened to the Ford truck, why did it happen, how do we fix that. It looks like the scope has gone beyond that into why haven't you provided policies, procedures, and shown us the implementation of policies that will prevent this. That's what I heard while I was sitting in on last week's meeting. It's clear the numbers speak for themselves. We have no argument with the fact that my client is responsible in part, you'll decide what part, solely or otherwise, for failing to catch the fact that this machine was not maintained properly, the service intervals were clearly, off. One of the findings that you were given indicated that he was at fault because he did not have any documented operator training or what was expected of operators in maintaining equipment. It looked to me, based on the job descriptions that this is a public works responsibility. He is responsible for training operators. At a minimum that should be clarified. Who's ultimately responsible in making sure that the people in the trenches do what they need to do here.

Peloquin stated prior discipline of my client needs to be taken into account, but it was fifteen years ago for not playing well with others in the sandbox, communications. Other than that, there was no recognition of the fact that all of the other vehicles in this fleet inventory have been maintained properly, are being maintained properly, and whatever lesson has been learned so far, has been taken to heart. Other than that, there has been a failure to also recognize the fact that my client in all other respects has multi-faceted responsibilities concerning the buildings in town, as well as the fleet, as well as your website, as well as IT. And has apparently has done a pretty good job.

There were statements made about facts of his misconduct and complete failure on his behalf in all respects, and I take issue with that.

Peloquin stated this is a serious issue and the Council has taken it as serious as it should. As a taxpayer I would expect you would do this, however, does this incident rise to an incident that is so terrible that it substantially affected the operation of the city as your own policy indicates that would subject him to discharge? Or is your progressive discipline policy such that something different should be done here, at least in mitigation recognizing that he alone is not responsible for this failure. It stands to others as well. Does that mean he shouldn't be punished, if you will, sanctioned, or otherwise held accountable for what he has done, given the fact that his title was ultimately fleet maintenance responsibility, the answer is probably not. I don't think that he's saying that he shouldn't, but termination? It seems to be a harsh remedy for what should more likely be a proportionate response of discipline which recognizes that others have some share of the responsibility and that extends to perhaps even this Council. I'm making those comments not to avoid or argue that there shouldn't be any kind of responsibility or repercussion. I would like you, if you will, just take those into account as you consider this difficult question. Thanks.

Leckner stated the City Council members may now respond or ask questions to Mr. Fieldsend or his representative if you wish. Peloquin stated I told Chris to feel free to respond, we have nothing to hide. There were no comments.

Leckner stated the Council must now discuss the allegations against Mr. Fieldsend detailed in the January 31<sup>st</sup> letter and potential actions. Remember that this is about just look at the recommendation that Mathisrud has come forward with. We're looking to make a decision on that at this time.

Randall stated my comments from last week stand about my personal beliefs, but I also want to note that I support Mathisrud and his recommendation. I am however going to make a motion.

**A motion was made by Randall, seconded by Stone, to continue the meeting until 6:00 p.m. on February 11<sup>th</sup>, to allow Mr. Fieldsend to submit a voluntary resignation, should that not occur, this discussion will continue at that time.**

**The vote was called.**

**The following Councilmembers voted in favor: Leckner, Randall, Stone.**

**The following Councilmembers voted nay: Conway, Wills.**

**The motion carried 3-2.**

Leckner stated the meeting will be extended to 6:00 p.m. on February 11<sup>th</sup>, 2020, in the City Hall Council Chambers. In the meantime, Mr. Fieldsend has the opportunity to resign and sign a separation of release agreement. Randall stated no. That motion was just to resign. Peloquin questioned what if he doesn't want to resign? Randall stated we're leaving it open. We are continuing the meeting until next week.

**4. ADJOURNMENT: A motion was made by Leckner, seconded by Conway, and unanimously carried to adjourn the meeting at 6:17 p.m.**

[seal]

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Mayor Ryan Leckner

ATTEST:

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Margie M. Vik  
City Clerk