

**City of Nashwauk
January 28, 2025
City Council Meeting**

Mayor Heyblom called the meeting to order at 5:30 p.m. in the Council Chambers of City Hall. Mayor Heyblom led the Pledge of Allegiance.

Members present: Councilor David Bruns, Councilor Tom Martire, Councilor Sheila Jensen, Councilor Terry Sullivan, Mayor Greg Heyblom.

Also present: Administrator/Clerk April Kurtock, Police Chief Lee Longoria, Public Works & Utility Lead Jason Martire, Attorney Andy Borland, Fire Chief Joe Martire.

Adoption of Agenda

*Motion by Councilor Bruns, seconded by Councilor Martire to adopt the agenda of the January 28, 2025, City Council Meeting.

Ayes: all present. Motion carried.

Approval of Consent Agenda

*Motion by Councilor Sullivan, seconded by Councilor Jensen to approve the consent agenda as follows:

- a. Approve the minutes of the January 14, 2025, City Council meeting.
- b. Approve claim register #1282025 Claim 1 in the amount of \$84,093.41.
- c. Approve claim register #1282025 Claim 2 in the amount of \$6,745.06.
- d. Approve April Kurtock to attend the MCFOA Region II Training in Floodwood, MN, February 7, 2025, course fee \$20.00.
- e. Approve Lee Longoria to attend Firearms Instructor Course in April in Babbitt, MN; course fee \$575, mileage, lodging, meals.
- f. Approve Kyle Bloom to attend Defensive Tactics Instructor Course in March in Hackensack, MN; course fee \$495, mileage, lodging, meals.

Ayes: all present. Motion carried.

Unfinished Business

East Itasca Joint Sewer Board Update

Attorney Andy Borland reported that he and Administrator/Clerk Kurtock met with the Keewatin City attorney and clerk to discuss Keewatin's issues. Borland reported that Keewatin's attorney Bryan Lindsay was supposed to have a summary written up. Reportedly, the summary had been provided to the Keewatin City Council to review it first. Mayor Heyblom asked what needed to be done because he stated that the current agreement does not need to be changed. Attorney Borland said that Keewatin felt that Nashwauk violated the terms of the joint sewer agreement. Borland said that Nashwauk is not concerned about how the project funds have been spent; Keewatin is concerned; however, Keewatin is cherry-picking their concerns regarding expenses, as they flagged certain things but not others that were similar.

Mesabi Metallics Amicus Brief Update

Mayor Heyblom said the attorney addressing the amicus brief said he expected to receive something soon regarding the ruling.

Mayor Heyblom stated he wanted to address a rumor that he had heard regarding Mesabi Metallics and a contractor who claimed not to be paid. He stated he asked Mesabi Metallics about the accusations, and they provided information outlining that it was not true.

Public Safety Building

Nathan Norton from ICS was present to discuss the project service agreement that the company had submitted, which would provide services to help seek funding. Phase I services would cost \$7,000, which would be refundable when Phase II is executed. Phase II would be a separate agreement. Norton said that Nashwauk has a good start on the process.

Mayor Heyblom asked about the outstanding funds from the DEED grant that was received many years ago, which had a balance around \$80,000. Councilor Sullivan asked about identifying potential funding sources for the project; Norton clarified that ICS does not complete the funding applications, but they find funding options that Nashwauk can consider pursuing. Councilor Sullivan stated that the city attorney had flagged liability issues within the agreement and asked if that had been resolved. Administrator/Clerk Kurtz stated that through a few back-and-forth exchanges, ICS was ultimately agreeable to the changes, except for reducing the \$50,000 liability limit through Phase I, as that was a planning phase.

*Motion by Councilor Bruns, seconded by Councilor Martire to approve the program management services agreement for the Public Safety Building with ICS, with a \$7,000 fee for Phase I.

Ayes: all present. Motion carried.

Hazardous Buildings Updates

Attorney Andy Borland stated that hearings for the two flagged properties would be on February 3rd and February 18th. He said that he and the Administrator would testify via zoom.

New Business

Police Commission Appointment

*Motion by Councilor Martire, seconded by Councilor Bruns to approve the appointment of Michael Hames to the Nashwauk Police Commission for a three-year term ending December 31, 2027.

Ayes: all present. Motion carried.

Banking Accounts

*Motion by Councilor Jensen, seconded by Mayor Heyblom to remove Calvin Saari from all banking accounts.

Ayes: all present. Motion carried.

Signatory

*Motion by Councilor Bruns, seconded by Mayor Heyblom to approve adding Terry Sullivan as a second signatory on all city banking accounts.

Ayes: all present. Motion carried.

Mayor's Office Updates

Mayor Heyblom said that Mesabi Metallics funds could be used toward the Mayor's Office updates, which would be used as a conference room.

*Motion by Councilor Martire, seconded by Councilor Bruns to approve the purchase of 10 conference chairs and a conference table from Uline.

Ayes: all present. Motion carried.

*Motion by Councilor Bruns, seconded by Councilor Sullivan to approve the purchase of a Teams room system from Insight Public Sector for a Microsoft Teams Room system, microphone, and sound bar in the amount of \$3,202.49.

Ayes: all present. Motion carried.

Department & Committee Reports & Requests

Ambulance Service

Resolution 2025-04

*Motion by Councilor Jensen, seconded by Councilor Martire to approve Resolution 2025-04 a Resolution of the City of Nashwauk Requesting Itasca County Accept Conveyance of its Ambulance Service effective January 1, 2026.

Roll call: ayes—Councilor Bruns, Councilor Martire, Councilor Jensen, Councilor Sullivan, Mayor Heyblom. Resolution adopted.

Councilor Jensen shared information related to the meeting she and Administrator/Clerk Kurtock attended with the County Commissioner Venema and Eric Villeneuve regarding the next steps for the County starting a subordinate taxing district for the benefit of the ambulance service. The County needed the City to formally request that the County accept conveyance of the ambulance service, which was accomplished through Resolution 2025-04. Then the County would call for a public hearing, which would be held tentatively on February 25, 2025. After that, the County would draft an RFP for an organization to operate the ambulance service. The County will need information from the City regarding the terms the city would like to have included within the RFP. They want to know what the City will offer in terms of providing space within the safety complex, rent and/or waiving rent, utilities, phone, internet, etc. Mayor Heyblom stated support for offering space for the entity operating the service. Councilor Bruns suggested a work session to determine the details to include within the RFP. Mayor Heyblom said he would like to keep it the same as much as possible. Councilor Martire asked if the proposed new public safety building included space for the ambulance service. Mayor Heyblom confirmed that it did.

Police Department

Shotgun Purchase

*Motion by Councilor Jensen, seconded by Councilor Martire to approve the quote from Armsco for a shotgun in the amount of \$1,023.98, utilizing forfeiture funds.

Ayes: all present. Motion carried.

Street Department

Resolution 2025-03

*Motion by Councilor Sullivan, seconded by Councilor Jensen to approve Resolution 2025-03 Authorizing the City of Nashwauk to be a Party to Minnesota Water Agency Response Network (MnWARN).

Roll call: ayes—Councilor Bruns, Councilor Martire, Councilor Jensen, Councilor Sullivan, Mayor Heyblom. Resolution adopted.

Mayor and Council Updates

Councilor Sullivan asked about how hazardous buildings are flagged. Mayor Heyblom said historically they have been identified differently for each building. Sullivan said if he had identified a specific property to be addressed, what would be the process for getting those addressed. Mayor Heyblom said if he flagged it, he could just bring it forward to the Council.

Councilor Sullivan asked about a referendum for the public safety building, as he said that the City's financial consultant, Mike Bubany, had recommended a referendum. He quoted Bubany's report to the Council, which stated, "It appeared to be the consensus of those present that issuing debt for a project such as this will be approved by the voters if it is to move forward." Sullivan stated he wanted to know what the existing Council was thinking about the project. He stated the Council said they would hold public hearings regarding the proposed building. Mayor Heyblom said it was difficult for him to make that decision because the Council had no idea how much money they could secure. Once funding was in place then whatever project expenses were not funded would need to be bonded for. Heyblom also stated that Mesabi Metallics wanted to know the amount of the funding gap. He said that the City needed to get a plan, get funding, and then make a determination.

Other Business

Preliminary Consideration of Allegations

Council shall give preliminary consideration to allegations against someone subject to its authority. The employee has indicated a preference for this discussion to be held during an open session; however, the employee may determine right up to the time of the meeting to hold the discussions in a closed session.

Mayor Heyblom stated that he was stepping down from the podium and handed the gavel to Councilor Bruns, as he was the Acting Mayor. Acting Mayor Bruns asked the employee who the allegations were against if it was still his intent to address the allegations in the public meeting. The employee, Joe Martire, responded with, "absolutely."

A separate "for the public, redacted" supplemental agenda packet was released once the meeting continued as a public meeting. Acting Mayor Bruns asked Attorney Borland if comment from the public was allowed. Attorney Borland stated it was up to the Council to determine how much they'll allow for public comment.

Attorney Borland provided a timeline for the initial allegations and the investigation. Two complaints were filed in September 2024 alleging actions taken by Fire Chief Joe Martire created a hostile work environment. The City Council ultimately hired an attorney to complete an investigation. The investigation was completed by Attorney Colosimo and provided to the City Council late December 2024. Attorney Borland stated Fire Chief Joe Martire has an opportunity to respond to the findings. The Fire Chief is subject to the authority of the Council. Borland said Council needed to review the findings and if they agree with the findings, needed to determine if they would implement discipline. Attorney Borland advised that the Council should not state the names of the complainants.

Councilor Sullivan questioned a conflict of interest by Councilor Martire being present at the meeting. Attorney Borland said there is not a direct conflict of interest with Councilor Martire being at the Council desk; however, advised that a Councilor should complete self-review and ask themselves, "can you be fair and objective?" If so, then you can vote; however, if you don't think you can be objective, then you should recuse yourself. Sullivan said the complainants could perceive certain members of Council being present as a conflict of interest.

Acting Mayor Bruns asked Joe Martire if he had a response regarding the investigation findings.

Joe Martire responded and said that while he went through the report, he found gray areas. He said he contacted Karen Calaguire who said the statement on page two of the report regarding her was not accurate.

Martire said that Attorney Colosimo provided a list of interview times on December 12th; however, the City Administrator didn't forward those details until December 17th. Martire said he had a family vacation, but Colosimo said he needed to be there and reportedly that he could not have an attorney present. Martire noted that a complainant was allowed to connect via teleconference and wanted to know why he wasn't allowed the same.

Martire said the report stated that Martire was "evasive and uncooperative when his statement was taken." However, he argued that he was not uncooperative and cited an email that he sent to the City Administrator in September, which he read to the Council, which stated his terms of how he would respond to the complaints. His response to the Administrator when asked to meet regarding the complaints: "No problem. I am available Thursday or Friday before 2:30 p.m. and after 10 a.m. I am requesting the city council be present for this meeting as per my job description and my immediate supervisor being the city council. I want them aware of this complaint as a whole council and be able to speak with them regarding the situation." Martire said he did not get a chance to meet with the City Council and because of that, his due process was violated.

Regarding his job description, he said that it has listed the City Council as his supervisor for four years. If the City Administrator had an issue with that, she should have caught it four years ago.

Regarding the one complainant, Fire Chief Joe Martire says he never sees her and has never been alone with her. The issue started with a \$15,000 quote to wire electric for a mother's room. He stated that taxpayers deserve to know how their tax dollars are spent. He said he did not make any determinations related to the mother's room, as that was the City Council. Martire stated that the City Administrator told him there were no funds within the ambulance service.

Fire Chief Joe Martire said that Fire is not hostile toward EMS and if they were, why would they have meals with them? One complainant in the report said Martire was intimidated by strong females. Martire joked that he's married to one. He stated again that the Council made determinations related to the mother's room.

Regarding the findings, Martire said he wanted to know why everyone who was involved in the investigation didn't have statements in the report. He wanted to know why Dave Bruns, Greg Heyblom, and Tiffany Bodin's statements were not included. He noted that Tiffany Bodin was the EMS Coordinator and was "drove out of town."

During his employment, Martire said zero complaints have been filed against him. He said through the course of the investigation, EMS staff have reached out to him and apologized to him for what he was going through.

Councilor Jensen asked Joe Martire if he was stating that the complaints against him were made up. He stated that "I gave you the facts that I know."

Councilor Sullivan said that the statements made by Fire Chief Joe Martire weren't relevant to the scope of the investigation. Sullivan stated that he did not know why Tiffany Bodin was interviewed. He said that someone that was on the service years ago cannot speak to the allegations that were made in September. Councilor Sullivan stated that the Council commissioned an attorney to do an investigation, and the Council needed to rely on the findings. He stated that Joe Martire is denying that he harassed the complainants. Sullivan said that statement is relevant, but the other things said are not relevant.

Acting Mayor Bruns said a lot came from the mother's room. Mistakes were made all around and friction grew. Bruns stated that he was the Councilor that was central and involved with the mother's room project. Bruns stated he had an issue with some of the things that were written in the investigation. He stated that when he was interviewed by Colosimo that Colosimo said "Bodin and Calaguire would say this." Acting Mayor Bruns said he felt he was "being led by a predetermined bias." He said that there was so much in the report that bothered him, particularly finding #4, which alleged that the "City Council favored native Nashwaukians who are employed by the City versus 'outsiders' who are not originally from Nashwauk." Bruns said that was a "ridiculous statement."

Councilor Sullivan pointed to the statement made by both complainants regarding not being respected as much as others from Nashwauk. Councilor Jensen noted she is not originally from Nashwauk.

Councilor Sullivan said that the Council needed to determine if he violated policy and that nothing else was relevant. He questioned if the Council would discount the investigation. There were numerous murmurs from the audience that it should be discounted.

Acting Mayor Bruns asked if anyone from the public wished to address the Council. The chambers were filled with most of the Fire Department personnel, a few ambulance service personnel, and other members of the public.

Tiffany Bodin said she was the former EMS Coordinator. She said she was interviewed for 45 minutes to give history. She stated that after she left, she begged Acting EMS Coordinator Joe Dasovich and the City Administrator not to hire one of the complainants. Bodin said that she has current employees calling her and complaining against the existing employee. She questioned what she was supposed to do with that information.

Amber Jackson stated that she is a part-time Nashwauk police officer and a paid-on-call EMT. She has worked for the city for 8 years and not one time has she had an issue with the Fire Department, Joe Martire, or faced hostility within the departments. She said that the EMS staff have an attitude issue, and she would likely face retaliation from the EMS staff because of her testimony tonight.

Rob Coughlin took the podium and apologized to Joe Martire and said he was sorry that he had to deal with this complaint. Coughlin said there was a difference of opinion in how to deal with something and it is not a hostile work environment. He stated that this investigation was a waste of money, and it was an embarrassment for the city.

Rachel Graf, a former Nashwauk EMT, said that during her work for the City she never ran into any issues with the Fire Department.

Brenden Johnson stated he had questions: How could the mayor make a decision on his own to send the complaints to an attorney? Why couldn't the Council supervise the position of Fire Chief? What did the

city do before there was a City Administrator? He said the report was biased. Johnson said that the EMS Coordinator told staff not to reach out to the Fire Department, which was hostile action on the EMS behalf. Johnson stated he was the Fire employee that was in the EMS area, as the EMS Coordinator requested him to go in. When he went in, the room was locked by someone who wasn't even on shift.

Emily Nelson, EMT, said that she enjoys working for the City. She said she and her husband work as part-time EMTs and her husband had a hostile work environment complaint filed against him by one of the complainants that was ultimately dismissed. Nelson said she sees a trend, but it was not on the side of the fire department.

Lance Hopke said that it was a passionate night for all of them. He said that the mother's room was a testy subject but wanted to know what the end goal was. Hopke said "Joe is amazing." The audience applauded. Hopke said that he would leave if Joe left and others from the audience echoed it. Hopke said if anyone can file a complaint and it "goes to a crazy place like this, then it is unreasonable." Lance said he built the bump-out in one of the ambulance bedrooms.

Acting Mayor Bruns said there was no question that the Council has a responsibility to take a complaint seriously, to have a legal obligation to do this and take these steps.

Jason Martire said that he met the investigation attorney, and he "was a dick." He stated Joe Martire was a great quality employee. Jason Martire said the complainant resigned because she kicked her dog and broke ankle. He said, "her character is poor."

Councilor Jensen said that the Administrator supervising all department heads, except the Fire Chief creates complications and it would be cleaner if the position supervised all department heads. She questioned how the Council can sit in judgement when Councilors were included in the complaint. It could have been avoided if the structure had been different. Jensen stated that when the Council and Personnel Committee reviewed the issue, they did not think, "let's get Joe." She stated it was a complicated issue.

Councilor Sullivan said that allegedly Joe Martire stated that two councilors directed him to take control of the mother's room issue.

Lance Hopke stated, "half the time you wouldn't know who supervises the street department because we handle it ourselves."

Councilor Sullivan said that these incidents and the Council engaging an attorney all happened before he took office. He stated that the Fire Department overall does a great job. Sullivan said that Fire Chief Joe Martire didn't want to speak with the City Administrator without the City Council present. The Council has established these positions as lateral positions. Sullivan addressed the "I'm going to quit" statements and said that the Council will do what they need to do. Councilor Sullivan said he did not want to be sued. He said if the Council doesn't do their job, they're setting themselves up for failure. He stated he's not willing to be part of a lawsuit by having someone say he didn't look at what was received from the investigator. Sullivan said that the comments made from the public are opinion. The findings of the investigation are opinion.

Rob Coughlin interrupted and stated, "whatever you do to Joe, be prepared to do it to all of us."

Attorney Borland asked if the Council wanted to accept the findings of the investigation. If yes, then they would move on to the next step. If not, then there was no moving forward.

Brenden Johnson interrupted and stated there was conflict. The Council did not have a quorum because Greg Heyblom removed himself, Councilor Tom Martire couldn't vote, and Councilor Bruns had a conflict because he was part of the investigation. Acting Mayor Bruns stated he did not have a conflict.

Attorney Borland asked the Council if they found there had been a violation of the hostile work environment policy. Procedurally, Council would need to reject or adopt the findings.

Acting Mayor Bruns stated there were misunderstandings and hurt feelings, but he did not believe there was a hostile work environment.

*Motion by Acting Mayor Bruns to dismiss the findings of the hostile work environment investigation completed by Attorney Colosimo regarding the actions taken by Fire Chief Joe Martire.

The motion failed for lack of support.

*Motion by Councilor Sullivan, seconded by Councilor Jensen to accept the findings of fact that Fire Chief Joe Martire violated the City's Personnel Policy with respect to the hostile work environment policy.

Ayes: Councilor Sullivan, Councilor Jensen.

Nay: Councilor Bruns.

Abstain: Councilor Martire. Motion approved.

Attorney Borland asked, looking at progressive discipline outlined in the Personnel Policy, what did the Council feel would be appropriate discipline?

Councilor Sullivan said he had a strong recommendation before the meeting. However, given guidance by the attorney, he was thinking of a softer stance. He said some offenses are extreme and employers don't necessarily have to follow the guidelines. Sullivan said there is some sense that the complainants have been heard and thinks that some type of discipline needs to be established. He thought a written warning with a review between the employee and the supervisor would be enough.

Acting Mayor Bruns said discipline should be "a worded sensitivity letter" to remind him to be respectful.

Councilor Jensen said that her personality is similar to some people in the room in that she likes direct communication, but she stated she recognizes that not everybody is comfortable with direct communication and that people need to be respectful of those that are different from them.

Councilor Jensen stated she had read through all the documentation, she spoke with both attorneys, and one complainant. She said she appreciated everyone's input but recognizes that they are opinions. There is no recording stating that any of this is accurate. Jensen said that for the Council's sake that something needs to be done because Council needed to recognize that these complainants felt uncomfortable.

Attorney Borland stated that Attorney Colosimo also provided recommendations for remediation training. Councilor Sullivan stated everyone needed to learn to work together between all departments.

Councilor Sullivan said that the Council can determine who is within the Fire Department leadership. Further, Sullivan stated he appreciated that Councilor Martire and Mayor Heyblom stepped aside.

Acting Mayor Bruns said that respect and sensitivity training could be completed. He looked it up and thinks all leadership and Councilmembers should be involved as well.

*Motion by Councilor Jensen, seconded by Councilor Sullivan to issue discipline as written reprimand to Fire Chief Joe Martire stating that the hostile work environment policy was violated and directing him to not violate the policy, with the matter being reviewed in 90 days.

Ayes: Councilor Jensen, Councilor Sullivan, Councilor Bruns. Motion approved.

Joe Martire stated he wanted clarification regarding investigation finding #5, as Colosimo stated Martire's due process was violated. Attorney Borland stated that regarding finding #5, his opinion differed from Attorney Colosimo's, as he did not think that Mr. Martire's due process was violated. Prior to an investigation, someone isn't entitled to the right to speak to their supervisor when it has not been determined if something was wrong. No one had verified if that was true. Colosimo said that the due process was violated because his opinion was that Martire had the right to access them.

Adjourn

*Motion by Councilor Sullivan, seconded by Councilor Jensen to adjourn the meeting at 7:47 p.m.

Ayes: all present. Motion carried.

City Administrator/Clerk/Treasurer