

City of Rockford, Minnesota Disciplinary Hearing Minutes 5:00 p.m., Thursday February 2nd, 2023

The Disciplinary Hearing of Fire Chief, Ben Sanderson, was called to Order by Mayor Renee Hafften at approximately 5 p.m. Council members Mike Werman, Denise Willenbring, Wyatt Gutzke and Heather Michalik were in attendance.

City Administrator / Attorney, Dan Madsen; Outside Council, Attorney Mike Couri; Wright County Sergeant Scherber; Chief Ben Sanderson, Brian Thoennes, Tyler Neibert, Justin Mielke, Chase Peyton, Nick Qualle, Adam Boedekker, Alex Randall and Justin Cook of the Rockford Fire Department; Michael Zinue, Diane Mutterer, Paul Mutterer were also in attendance.

Attorney Couri provided the framework and outline for the Disciplinary Hearing, explaining the rights and opportunities of Chief Sanderson. Couri stated that he had received an e-mail from Sanderson asking for the Hearing to be Open to the Public and asked Sanderson to clarify that request. Sanderson stated that he wanted the audience in attendance, as such he wanted the meeting to be open to the public. Attorney Couri then provided Sanderson with a Tennessean Warning and a Garrity Warning, and Mayor Hafften turned the floor over to Attorney / Administrator Madsen.

Attorney / Administrator Madsen read a several page summary of the Investigation Report and Findings prepared by Attorney / Investigator Pamela Whitmore. After a detailed review of the Investigation Report, including reference to the exhibits, Madsen summarized the questions for the Council as follows: Did Chief Sanderson violate Minn. Stat. Chapter 13, the Data Practices Act, and City Code regarding non-public information, confidentiality and privacy; Did Chief Sanderson violate Rockford Code §206.26 by demonstrating insubordination, poor morale and disrespect; Did Chief Sanderson promote a negative and hostile work environment that is both divisive and in violation of the City and Fire Department Ethics Policies; Did Chief Sanderson act in retaliation by demoting Witness2 as prohibited by City Code and Fire Department Policies; Did Chief Sanderson conduct unauthorized purchases, in violation of City Code and Minnesota Statute; and, Did Chief Sanderson provide false statements to Investigator Whitmore, in violation of Rockford Fire Department Policies and City Code.

Attorney / Administrator Madsen then answered questions by the Council and Chief Sanderson. Hearing no additional questions, Chief Sanderson was provided the opportunity to address the Report, questions and issues posed therein. Chief Sanderson explained his position on some of the findings by Investigator Whitmore, and reviewed his position on the investigation. Members of the Staff and Council asked Sanderson questions related to the Investigation Report and Sanderson's statements regarding the report.

Mayor Hafften called for a 10 minute recess at approximately 8:30 p.m. The Council Chambers were cleared. Mayor Hafften resumed the Disciplinary Hearing at approximately 8:40 p.m., and the Disciplinary Hearing resumed. Members of the Council and Staff asked a few more questions which were then answered by Sanderson. Attorney / Administrator Madsen asked Sanderson if he had any additional information or questions, to which Sanderson stated he did not.

Mayor Hafften then read through the questions posed to be answered by the Council through the Investigation Report:

Did Chief Sanderson violate Minn. Stat. Chapter 13, the Data Practices Act, and City Code regarding non-public information, confidentiality and privacy? Motion was made by Gutzke, and seconded by Michalik, to find that he did. Motion carried, voting in favor: Hafften, Gutzke, Michalik, Willenbring, and Werman.

Did Chief Sanderson violate Rockford Code §206.26 by demonstrating insubordination, poor morale and disrespect? Motion was made by Willenbring, and seconded by Werman, to find that he did. Motion carried, voting in favor: Hafften, Gutzke, Michalik, Willenbring, and Werman.

Did Chief Sanderson promote a negative and hostile work environment that is both divisive and in violation of the City and Fire Department Ethics Policies? Motion was made by Willenbring, and seconded by Michalik, to find that he did. Motion carried, voting in favor: Hafften, Gutzke, Michalik, Willenbring, and Werman.

Did Chief Sanderson act in retaliation by demoting Witness2 as prohibited by City Code and Fire Department Policies? Motion was made by Werman, and seconded by Gutzke, to find that he did not. Motion failed, voting in favor: Gutzke and Werman; voting against, Hafften, Willenbring and Michalik. Motion was made by Hafften, and seconded by Willenbring, to find that Sanderson did retaliate against Witness 2 as provided. Motion carried; voting in favor, Hafften, Willenbring and Michalik; opposed, Gutzke and Werman.

Did Chief Sanderson conduct unauthorized purchases, in violation of City Code and Minnesota Statute? Motion was made by Willenbring, and seconded by Hafften, to find that he did. Motion carried, voting in favor: Hafften, Gutzke, Michalik, Willenbring, and Werman.

Did Chief Sanderson provide false statements to Investigator Whitmore, in violation of Rockford Fire Department Policies and City Code? Motion was made by Willenbring, and seconded by Michalik, to find that he did. Motion carried, voting in favor: Hafften, Gutzke, Michalik, Willenbring, and Werman.

Administrator / Attorney Madsen then asked the Council whether or not the Findings of Fact provided by the Council warranted discipline. Motion was made by Willenbring that, based upon the Investigation Report and incorporating the same, and based upon the witness testimony, discipline is warranted. This motion was seconded by Gutzke. Motion carried, voting in favor: Hafften, Gutzke, Michalik, Willenbring, and Werman.

Administrator / Attorney Madsen then asked the Council what level of discipline was warranted based upon the Council's findings. Each member of the Council discussed the findings and facts surrounding the events that led to the Investigation Report and testimony received. After discussion and review, Motion was made by Willenbring, and seconded by Werman, that

termination of employment for Fire Chief, Ben Sanderson, was warranted. Motion carried, voting in favor: Hafften, Gutzke, Michalik, Willenbring, and Werman.

Motion was then made by Werman, and seconded by Gutzke to adjourn the meeting.

Motion Carried: Voting in favor; Hafften, Werman, Willenbring, Gutzke and Michalik, and the meeting was adjourned at approximately 9:05 p.m.

Typed this 10th day of February, 2023.

Dan Madsen
City Administrator, Special Counsel
City of Rockford Minnesota

All meetings of the Rockford City Council are video recorded and available for viewing on-line at www.cityofrockford.org. Meeting minutes are intended to be a general synopsis of the meetings of the City Council, and more detail regarding discussions and policy considerations is provided by watching the recording of the meeting.

Approved:

Renee Hafften
Mayor

Attest:

Dan Madsen
City Administrator, Special Counsel