

Town of Flagler, Colorado

RECORD OF PROCEEDINGS
SPECIAL SESSION

June 20, 2023

The Board of Trustees for the Town of Flagler, Colorado met Monday June 20 2023 for the REGULAR MEETING at 6:00 p.m. The meeting was held at 311 Main Ave. Present at the meeting were Mayor Tom Bredehoft, and Trustees Marlys Kossman, Randy Fagerlund, Tami Witt, Chuck Kinkel, and Troy Kindley. Town Clerk Emily Strunk was the town employee present. The public audience in attendance was Randy Strunk. At 6:00 PM the mayor called the meeting to order followed by the Pledge of Allegiance.

Mayor Bredehoft asked who called the meeting, Trustee Marlys Kossman stated that it was a consensus among the trustees after receiving the grievance letter from Town Clerk Emily Strunk.

NEW BUSINESS:

- Trustee Chuck Kinkel suggested that it may be appropriate to go into executive session because the matter to be discussed was a personnel matter. Trustee Randy Fagerlund cited Article VI from the employee handbook which states the employee could request the matter be moved to an open meeting. He asked Clerk Strunk what she would prefer, and open meeting or executive session. Clerk Strunk stated she would like this to be an open meeting.
- Clerk Strunk was asked to go through the letter stating her grievances against Mayor Bredehoft she filed with Town Council members on Saturday, June 22.
- **Grievance IV:** *(from filed grievance letter addressed specifically)*

Tom Bredehoft continues to exhibit behavior towards me that is not in accordance with Section VI of the Employee Handbook during monthly town council meetings. He regularly airs his personal feelings about me in public meetings in a derogatory, belittling, and insulting manner. He does not display any loyalty to me as an employee (per Section VI of the employee handbook), for reasons unknown to me, but quite the opposite, he has continued to ignore me in my position and his hostility toward me has only increased. Since I have been appointed to the town clerk position, Tom has not met with or spoken to me one time about the position, or anything going on at town all.

Explanation:

- Clerk Strunk stated that after reviewing the employee handbook due to an increasingly negative environment in her position as Town Clerk over the last 9 to 10 months, she decided to file a formal grievance as defined in the employee handbook. Clerk Strunk explained that her anxiety around coming to town council meetings has increased, and results from Tom and his behavior towards her. She said she sees he holds a grudge against her because she was appointed to the clerk position when he was not in attendance.
- Clerk Strunk reiterated the vote was a legal vote of the board, and Clerk Strunk states the vote would have been the same even if he was at the meeting. She stated that Tom has not come into town hall once since she was appointed as town clerk to discuss the position or what was going on at town hall, or if Clerk Strunk has struggles or needs help with.
- Clerk Strunk stated that she has all the audio recordings since she became clerk and can cite the instances in these recordings where he has been insulting, rude, condescending, and unprofessional towards her. She stated that if she were not a confident and strong person, she would constantly have her feelings hurt, and there have been times when he has verbally hurt her. She used the comparison of when Doris King was clerk the mayor would visit at least once a week to talk to Doris, but he has not done that once in the past 14 months.
- **Grievance III:** *(from filed grievance letter addressed specifically)*

Tom Bredehoft shared information discussed about me discussed in executive session with town resident, Sharon Reiter, who requested a copy of Clare Loughery's resignation. Tom provided copies of this paperwork in violation of the Colorado Sunshine Act of 1972 which outlines the procedures of executive session topics, personnel issues, and materials. The information about me, reiterated by Clare in her resignation letter, was protected and confidential by the executive session of April 2022 and should not have been provided. I had emailed Tom about this prior to him giving her a copy of the letter and received no response. This letter was copied and distributed around Flagler by Sharon Reiter due to Tom's actions.

Explanation:

- Clerk Strunk explained that last summer when Clare Loughery resigned, she presented her resignation letter to the mayor only and this letter included detailed information from the executive session.
 - Sharon Reiter came to town hall to receive a copy of the resignation letter, in accordance with the open records law (ORL). Clerk Strunk did not have a copy of the letter, and told Ms. Reiter that mayor Bredehoft had the letter.
 - Clerk Strunk emailed Tom and told him that the letter was requested, but that it should not be subject to ORL because it is related to personnel information discussed in executive session.
 - Mayor Bredehoft gave the letter to Sharon Reiter who copied it and passed it around town.
 - In a conversation that Clerk Strunk and Ms. Loughery had in the fall of 2022, Loughery said she knew it was subject to executive session and that Tom should not have given it out. Clerk Strunk feels that this was done with an intent to harm.
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- **Grievance II:** *(from filed grievance letter addressed specifically)*
My immediate supervisor, Tom Bredehoft, has also asked me to stop reporting to him regarding time off including sick time, personal time, or vacation time and ask that I report each instance to all of Town Council to keep all members informed of my attendance. This is not in accordance with the Employee Handbook. I have complied with this because I have had no other option and did not want to increase the negative feelings Tom Bredehoft harbors towards me. I have had no problems with attendance and have communicated any time off with reasonable notice. I have also arranged coverage for town hall when I will be out, and/or worked from home answering town hall phone calls and logging to my workstation when coming into work posed safety concerns due to hazardous weather.

Explanation:

- Clerk Strunk has regularly notified Tom through text message, email, or phone when she will be missing work. She has always given future notice except with illness, and hazardous road or weather conditions.
 - Clerk Strunk stated that she should be treated like other employees who have one person they report or request time off with, rather than seven.
- **Grievance I:** *(from filed grievance letter addressed specifically)*

My immediate supervisor, Tom Bredehoft, has used his position as owner of the local newspaper to air a letter to the editor (written by Justin Crisp's mother's boyfriend) which has also been a confidential topic discussed in executive session(s) by the Board of Directors. (Executive sessions are governed by the Colorado Sunshine Act of 1972 Article 6 Title 24 Parts 1 through 4 of the Colorado Revised Statutes and specifically outline personnel matters as topics for executive session) His position as owner of the newspaper may be a conflict of interest in this regard when it is used in opposition to the town's procedures as an employer, outlined specifically in the Employee Handbook.

Explanation:

- Clerk Strunk stated she was hired by town council two and half years ago and that she was very honest about who she was, her background, and what she has been through. This was her independent disclosure. Retired Town Clerk Doris King told Clerk Strunk that the board was unanimous in hiring her, stating that everyone deserves a second chance.
- Clerk Strunk explained that Mayor Bredehoft has never asked her once what happened in this regard or the story behind newspaper articles or google searches. Clerk Strunk expressed astonishment that her direct supervisor has become the one printing an article about his direct employee without asking the full story, or caring about the results.

- Clerk Strunk believes that he uses his ownership in a local paper as a weapon. She said it was hurtful and could have been potentially harmful except she has received great support from the Flagler Community and revealed that many people have come to town hall to voice their support for her and the work she is doing, and believe that Tom was wrong to print that.
- Clerk Strunk also said that many have told her not to quit, that they appreciate her work for Flagler. Clerk Strunk confirmed she will not quit and will not back down when bullied and believes that the mayor has been bullying her.
- Clerk Strunk expressed gratitude that each town council member has treated her with grace and professionalism and helped her when she had questions and needed support. She stated that she does feel that same support from the mayor.
- Citing employee handbook Clerk Strunk said her employer is supposed to be loyal and treat her in a professional manner and that is not what has occurred, but she is confident that is how she has behaved despite his insulting behavior.
- Clerk Strunk presented the council members with remedies for the present situation which included the following:
 - (from filed grievance letter addressed specifically)*
 - *That the town council amend the Employee Handbook to have one trustee oversee the town hall, just like there is a trustee for water, sewer, trash, streets, and recreation.*
 - *That no comments regarding employees be allowed to be made in public meetings.*
 - *Video or audio recordings of the town meeting be published on the town website each month.*
 - *That the town amend the Employee Handbook, regarding Section X, where not only can employees not have outside business in conflict with town business, but town officials should not have or use their businesses to conflict with town business either while serving on town council.*
 - *That the Employee Handbook be amended in Section VI Item 6.5.c to include not only town employees but town officials as well, which requires board approval before any publication is made about town business.*
- Mayor Bredehoft indicated that he has never had any issues in 30 years with conflict of what he put in the paper and town business, stating that he copies and pastes the minutes sent to him. Clerk Strunk countered this claim stating that there are times when opinion is added, and words are changed to make the minutes into a story rather than official minutes.

- Mayor Bredehoft charged that Clerk Strunk inserts her opinion as well in the minutes with the example that last month, he had stated he was against giving Clerk Strunk a raise but not against giving it to the other employees. Clerk Strunk countered the mayor misread the minutes of May 15, where objection to her raise was noted in the section talking about her raise, and not in the section talking about other employees.
- Mayor Bredehoft asserted he thinks Clerk Strunk has done a great job as town clerk. Emphasizing that he hates that she and he got off on the wrong foot. The mayor referenced that Clerk Strunk repeatedly walked by his office to go to speak with Trustee Kinkel rather than him. Trustee Kinkel indicated that he has an open door. The mayor indicated he has an open door, and Clerk Strunk also indicated her door is open as well.
- Mayor Bredehoft presented a document from January 13, 2023 stating that this document, which he decided not to use in January, represented the reason that he would not come into the town clerk's office without another trustee with him. The document referenced a statement about the conversation with former Recreation Director Brad Stone on the night of January 10th.
- Mayor Bredehoft states that Clerk Strunk had stated to two council members that he had called Brad Stone while intoxicated and was unprofessional in tone and words in their discussion. He stated he had been on council for 36 years and was not going to have his reputation tarnished by the town clerk. The mayor stated that his wife thought he was very professional in his conversation with Brad. The mayor said due to this instance he could not trust Clerk Strunk and requested to not be in the same room with Clerk Strunk, and to have his signature stamp removed from town hall.
- Clerk Strunk noted that this instance happened in January, and he had not shown any trust in her the eight months prior. Clerk Strunk also mentioned that she had not heard the conversation, but that Brad had told her the minute he hung up about the conversation and was extremely upset because the mayor had called him drunk, using obscene language, and behaving in a condescending manner. She said that if the mayor was concerned that what she heard was incorrect, he could have come talk to her about it.
- Mayor Bredehoft expressed an issue with Clerk Strunk talking to council members instead of him and noted that is a reason he did not come talk to her, and why they had not developed a rapport with one another.

- Mayor Bredehoft said he has been on council for 36 years and has never had an issue with the stories he has printed. He stated that sometimes there must be a headline that catches eyes. He stated he has not tried to belittle or insult Clerk Strunk.
- Mayor Bredehoft indicated that he does not control letters to the editor. He verifies that the letter is signed. He emphasized he does not use his newspaper as a weapon.
- Trustee Randy Fagerlund stated that is a slippery slope on Amendment I. Trustee Marlys Kossman stated that there were things in the letter that felt like Les Payne had been guided or coached by someone.
- Trustee Troy Kindley said the letter did seem coached and far too specific. Trustee Tami Witt stated that this caused a lot of issues, and it was not positive or necessary. Trustee Kossman requested a disclaimer in the future.
- Trustee Kinkel said it comes back to Clerk Strunk's statement about hurting her and the town, because she represents the town, and that is the conflict discussed here. As mayor of the town and then as publisher of the newspaper it's a mixed and muddy issue. Trustee Kinkel did not disagree with the printing of the letter but said the timing of this and the events going on in the town was terrible. Trustee Marlys Kossman stated that not only was it hurtful to Clerk Strunk, but it gave everyone a black eye in a very difficult time.
- Trustee Randy Fagerlund asked Mayor Bredehoft if he prints all letters to the editor, and he responded yes, if they are signed.
- Trustee Randy Fagerlund asked Mayor Bredehoft if he was against Clerk Strunk because he was not at the meeting where she was appointed and did not get to voice his opinion. Mayor Bredehoft confirmed this. Trustee Randy Fagerlund asked if council knew about Clerk Strunk's past when she was appointed. Trustee Tami Witt confirmed town council knew when she was first hired as Assistant Clerk by Doris King. Trustee Chuck Kinkel stated we felt as a council that Emily Strunk would be a good hire.
- Mayor Bredehoft stated that he failed in his job as a newspaperperson and should have printed in the very beginning when Emily Strunk was hired in December of 2020 that the town hired somebody with a past. He also stated that he should have said we should hold off a month or two of hiring someone when Doris King retired.

- Mayor Bredehoft stated that he thinks a full board should be present when big decisions like raises are concerned just like he felt that someone who has been a councilmember for 35 years should at least have a say in the town clerk appointment.
- Trustee Fagerlund stated that he sees that the mayor's feelings on this issue have carried over and also stated that everyone deserves a second chance and that he supports Clerk Strunk and what she is doing, for example with housing. He believes that the Town Council needs to establish better checks and balances to protect Clerk Strunk and protect themselves, for example, with the bookkeeping decision that is on the table.
- Trustee Marlys Kossman stated that we need to establish working relationships that work for the good of our town, and that the town has a very competent Town Clerk in Emily Strunk. She further stated that we have the checks and balances in place to answer questions, but Emily's work also stands for itself and what she has done.
- Trustee Kossman asked Mayor Bredehoft if he could move past his hurt feelings and make things work with Clerk Strunk and not hold any hostility.

- Trustee Fagerlund cited from the employee handbook:

"...proper channel will be followed to clear the matter. Chain of command is specified in this manual. If the proper channels are not followed steps will be taken towards the dismissal of the employee or the resignation of the member of the governing body will be asked for.."

Trustee Fagerlund asked can we solve this. He stated it's good for the town for the mayor to come into town hall and be a good leader. Staying away is not a good leader, and not good for the town. Trustee Fagerlund said he is not in favor of changing the handbook, and asked if the parties were able to move forward.

- Trustee Troy Kindley stated that from the outside it looks like the mayor has hurt Clerk Strunk's feelings because of a vendetta. Trustee Kindley said one of two things must happen either the mayor has to get over this now so we can continue to do business, or the mayor has to resign. He would prefer the mayor just get over it, but if he can't then he needs to resign.
- Trustee Fagerlund stated the council wants to use 36 years of experience, but we cannot have this animosity and we must solve it.

- Trustee Tami Witt stated that there have been a couple times during meetings that she has felt very uncomfortable with the way the mayor has spoken to Clerk Strunk.
- Trustee Kindley said the last meeting was very uncomfortable. Trustee Kossman agreed that it was uncomfortable. Trustee Kinkel stated yes it was a little tough for Clerk Strunk.
- Trustee Kinkel stated that we would like the leadership, but that the Mayor and the Clerk get along.
- Mayor Bredehoft said he thinks that Clerk Strunk has done a good job.
- Trustee Kinkel asked Clerk Strunk if she could move forward and work with Mayor Bredehoft. Clerk Strunk answered that she is not certain yet and needs time to process.
- Mayor Bredehoft said he can move forward and work with Clerk Strunk and stated that he hated the controversy that printing the letter caused but maintained that he had no choice but to print a letter to the editor.
- Trustee Kinkel stated that Clerk Strunk was handed a difficult project with the 2021 audit but that she worked through it and plugged away and got it done. Mayor Bredehoft agreed. Mayor Bredehoft stated that he admired Clerk Strunk and her professionalism and thinks she has done a great job with housing and everything else. Trustee Kinkel reiterated that Clerk Strunk had assisted the town in a lot with the leave of absence of the town manager, the pool management, helping the new recreation director learn her position.
- Trustee Kinkel confirmed that the board would see how everything works out between the mayor and the town clerk with open communication. Mayor Bredehoft said he will try very hard. Trustee Randy Fagerlund said that we all know Clerk Strunk's past, it's time to drop it and move on, she has done an excellent job and that he was glad this was brought to the forefront to get handled. Mayor Bredehoft agreed.
- Clerk Strunk confirmed again that she will think on the meeting and let council know her thoughts about how things have been addressed within a week.

Mayor Tom Bredehoft adjourned the meeting at 7:12 p.m.

_____MAYOR

_____CLERK

{seal}

_____ DATE APPROVED