

**INVESTIGATION REPORT
CITY OF ROCHESTER
CITY COUNCIL MATTER**

**THIS DOCUMENT AND ITS EXHIBITS CONTAIN
INFORMATION WHICH MAY BE SUBJECT TO THE
MINNESOTA GOVERNMENT DATA PRACTICES ACT**

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INTRODUCTION

The undersigned Investigator (hereinafter “Investigator”) was contacted by outside legal counsel for the City of Rochester to conduct an investigation into a complaint of [REDACTED] discrimination raised by City Council Member Molly Dennis (hereinafter “Dennis”). Dennis had previously requested and had been provided [REDACTED]. This Investigator was advised that the City Council had recently issued a public censure to Dennis.

INTERVIEW SUMMARIES¹

1. Molly Dennis

Dennis was interviewed on April 6, 2023 regarding her complaint of discrimination.² At her request, Dennis was interviewed again on May 5, 2023 to provide additional information.³ Dennis stated the following:

- 1.1 She has been a councilmember since January 2021.
- 1.2 She has [REDACTED]. She has been open about [REDACTED] with other councilmembers, City staff and the public at large.
- 1.3 She is not complaining about discrimination in her first year in office. Due to COVID-19, most interactions were virtual, and Council meetings were held virtually. She knew some of the other councilmembers prior to her election. She was told to [REDACTED]. Dennis

¹ Interview summaries contain the information pertinent to the complaint of [REDACTED] discrimination or the actions of the City or individual and not all information relayed by the interview subject.

² Dennis was accompanied by Paula Hardin to both interviews. Dennis did not notify this Investigator of her intent to bring a friend/advocate with her to the first meeting. Both Dennis and Hardin objected to Hardin being excluded, and therefore the interview went forward with Hardin present. No information from Hardin is included in this report as she was not interviewed as a witness.

³ Following the May 5, 2023 interview Ms. Dennis forwarded 47 screen shots via text. She sent an additional 72 text messages on May 15 and an 18-page email entitled “Response to March 20th memo of 22 false claims” setting forth her position regarding her claim of discrimination and rebuttal of the censure. On May 16, Dennis sent an additional 13 text messages. On May 19, Dennis re-sent all the text messages she had previously provided via a series of emails. The documentation provided had little evidentiary value as it was primarily Dennis’ side of text messages, without the other party in agreement of her version of events.

attributes [REDACTED] to being part of “who she was” and related to [REDACTED].

- 1.4 [REDACTED]
[REDACTED]
[REDACTED]
- 1.5 Council Member Kirkpatrick (hereinafter “Kirkpatrick”) helped her with the [REDACTED]. Council Member Patrick Keane (hereinafter “Keane”) told her she was [REDACTED].
- 1.6 Council President Brooke Carlson (hereinafter “Carlson”) had discussions with her in 2021, where Carlson tried to help Dennis be [REDACTED]. All the suggested improvements related to traits of Dennis’ [REDACTED] Carlson suggested that she [REDACTED]. Carlson also told Dennis that she [REDACTED]
[REDACTED]
- 1.7 Council Member Shaun Palmer (hereinafter “Palmer”) does not communicate with her much. Councilmember Mark Bransford (hereinafter “Bransford”) tries to help her [REDACTED].
- 1.8 In 2021, she had a discussion with an employee of the City about City business. She felt that it was a wonderful conversation. However, shortly after the conversation she received a text message from an unknown number saying that “[REDACTED].” She called the unknown number back and discovered it was the employee she just spoke with, who sent the text to her inadvertently.
[REDACTED]
[REDACTED]. Dennis was satisfied with the result.
- 1.9 She says she has been criticized by City Attorney Michael Spindler-Krage (hereinafter “Spindler-Krage”) for how she comes across [REDACTED]
[REDACTED]
- 1.10 She has been advised by Mayor Kim Norton (hereinafter “Norton”) not to call out colleagues on their opinions, such as the mask mandate, because she would be wasting her social capital in doing so and alienating them. Dennis felt that it was the right thing to do to speak out but said that it was good advice. She said that, with the best intentions, Norton was advising her to just be [REDACTED]
[REDACTED].
- 1.11 She had discussions with City Administrator Alison Zelms (hereinafter “Zelms”) regarding being [REDACTED]. She suggested having a mediator assist the City Council on how to work with Dennis’ [REDACTED] and told

Zelms that a County Commissioner had mentioned that the County had done this with its Board. Zelms responded by stating that Dennis should run for Commissioner if she wanted a mediator.

1.12. She did not know the full extent of her responsibilities as a Councilmember during the pandemic because meetings were virtual.

1.13 [REDACTED]
[REDACTED]
[REDACTED]

1.14 [REDACTED] [REDACTED]. She now has to be in person in order for her to be able to vote. [REDACTED]
[REDACTED]

1.15 In April 2021, she provided the City with a letter from a [REDACTED]
[REDACTED]
[REDACTED] 1.

1.16 [REDACTED] The City Council voted against having a break every 60 minutes. Instead, they agreed to have a break every 90-120 minutes, depending upon breaks between agenda items. [REDACTED]
[REDACTED]

1.17 She said that staff have told her that they are not allowed to speak to her. Only Zelms and Department Heads report to the Council. Staff refer questions to the Department Heads. During a conversation with [REDACTED] in 2022, [REDACTED] told Dennis not to talk to staff, that it made staff uncomfortable, and that Dennis should instead direct questions or concerns to Zelms. Dennis disagrees with this.

1.18 Being a Council member is her full-time job, which is not true for everyone on the Council. [REDACTED]
[REDACTED].

1.19 She stated that she has strong moral objections and feelings about certain issues and that when people do not answer her questions, [REDACTED]
[REDACTED]

1.20 She feels that other Council members and Zelms are dismissive of her. Council Member Palmer turns his back towards her. She knows that [REDACTED]

█████ annoys other Councilmembers and that ██████████. She does not believe that ██████████, but that she does ██████████. She brings up issues that are not addressed by others.

- 1.21 Zelms has limited “other business” to only regular Council meetings, instead of work sessions ██████████. Zelms and the Mayor have time at each meeting to discuss their reports, but the other Council members do not have dedicated time to talk. When a resident raises an issue, she uses “other business” to respond to what the resident raised during public comment. She said that other Council members are moving to adjourn to cut off the other business that she wants to discuss ██████████
██████████
██████████
██████████
- 1.22 Her relationship with Zelms has deteriorated. Zelms told her that she was going to block her from messaging her and erase all their meetings from the calendar.
- 1.23 She attended the National League of Cities conference in Kansas City. She wanted to stay one additional night at the conference. Zelms denied the request, saying there was no City business reason for Dennis to stay and additional day at City expense. Dennis wanted to vote on an issue that was on the platform since the Mayor was not staying to vote on behalf of the City. ██████████
██████████
██████████ Dennis believes that ██████████ and that it was discriminatory ██████████. She also assumes that other Council members would have been able to stay an extra day. Dennis said that she then pulled a consent agenda item related to travel.
- 1.24 Zelms sends out information on consent agenda items to the Council in advance of meetings and gives her opinions on them. Dennis said that she will pull items from the consent agenda. Zelms sends out information to the Council stating that Dennis has pulled the items, which makes Dennis look bad.
- 1.25 Spindler-Krage once referred to one of Dennis’ campaign supporters as her “ex”, which she found sexist.
- 1.26 She believes that Spindler-Krage should only be contacted with respect to liability issues. She believes it is discriminatory to get advice on issues related to her and not others.

- 1.27 The [REDACTED] that Dennis was working with provided an updated letter regarding her [REDACTED] on August 31, 2022. *Exhibit 2*. Dennis worked with the City's outside employment attorney on [REDACTED] [REDACTED] in the fall of 2022, culminating in an [REDACTED] in December 2022. *Exhibit 3*. In addition to [REDACTED] [REDACTED] she was provided with [REDACTED] [REDACTED] Dennis said she did not like [REDACTED] [REDACTED] and she did not like [REDACTED] She has not asked for any additional [REDACTED] after December 22, 2022 as of her interviews.
- 1.28 As of April 2023, following the terms of the censure, [REDACTED] [REDACTED] [REDACTED]
- 1.29 Dennis believes that the terms of the censure were designed to hurt her and noted that [REDACTED] have never been applied to anyone else. She now can only speak to the two City staff who have the biggest problem with her – Zelms and Spindler-Krage.
- 1.30 Dennis sent emails to all department heads asking if any of the staff had complained about her. [REDACTED] Dennis believes that the lack of response is proof that there have been no complaints.
- 1.31 She believes the censure was because she challenged policy. She challenged why public input was at the end of the meeting. She challenged City Administration. She felt that there was an erosion of resident voices and challenged this.
- 1.32 There was a meeting at the Plummer House on February 27, 2023, which City Administration claimed was a retreat. Dennis disagreed, saying it was a study session because they were talking about spending \$600 million. The meeting was not officially video, or audio recorded, and it was not live-streamed. Zelms said it was an exploratory discussion.
- 1.33 There was an exercise towards the end of the February 27 meeting where each Councilmember was asked to give their initial impressions on how to spend funds. [REDACTED] and then the information would be compiled into a list of priorities based upon what they each listed. [REDACTED] Dennis made a comment to Carlson during the meeting that [REDACTED]. There was a sofa between her and Carlson when this statement was made. She said

that a [REDACTED] would be to [REDACTED] [REDACTED] Dennis was upset and did not turn anything in. Zelms told Dennis to get out of there. Dennis turned around quickly, not close to anyone, and Carlson exclaimed “Oh my God” and that she was scared. Outside, Carlson was walking to her car with Bransford, and said to Dennis that [REDACTED] because of Dennis and that Dennis was not the only person [REDACTED]

- 1.34 She wrote a letter to Carlson calling her out. Dennis questioned why the Council President meets with all the other Council members but not Dennis.
- 1.35 On March 6, 2023 at the regular meeting of the City Council, there was a formal censure of Dennis. She was blindsided by it. No one on the Council had ever mentioned censure to her before. Spindler-Krage had mentioned censure once when she had emailed an Assistant City Attorney months earlier when Spindler-Krage had not answered her question. The censure was not in the Council packet. The residents had no warning and were not able to be present to speak out during public comment. She had no time to formulate her thoughts. She believes that her colleagues had forewarning of the censure but did not tell her.
- 1.36 Dennis went to the League of Minnesota Cities (LMC) Conference in Duluth in June 2022. She was aware that Bransford was also attending. She did not know that Zelms was attending until after she arrived at the conference.
- 1.37 After the conference, Zelms would not meet with her, so Dennis had to meet with Aaron Parrish, the Deputy City Administrator. A meeting was set up with Zelms and Spindler-Krage on July 20, 2022 to discuss expectations. Zelms came with a behavior contract for Dennis. *Exhibit 4*. Dennis had a friend with her as a witness, whom she refused to identify to this Investigator.⁴ The meeting did not go well. Spindler-Krage and Zelms were standing to leave and began walking out the door but did not actually leave the conference room. Spindler-Krage was talking in a friendly manner to Dennis’s friend. Dennis wanted to end the meeting. Dennis stood up and shut the door. Zelms went down the hallway and told City staff to shut their door because Dennis had intentionally shut the door on her. Zelms later told Dennis that she and Spindler-Krage felt very threatened by Dennis’ action.
- 1.38 On March 13, 2023 at a City Council Study Session, the City Council Procedures and Rules of Conduct from 2021 (*Exhibit 5*) were reviewed.

⁴ Dennis was asked several times, over the course of two interviews to provide contact information regarding the friend who accompanied her. Dennis said that the friend was ill and had asked not to be involved, and later said she would check with the friend on how to be contacted. Dennis never provided contact information for this individual.

- 1.39 Following the censure, Dennis repeatedly asked for examples to support what was said in the censure. Dennis said, “I know for a fact that they don’t have examples” and “They would have told me.”
- 1.40 Dennis stated that Spindler-Krage went through her divorce file and gave out false information. Dennis stated that the information was private but admitted that the divorce file was public and that anyone could look through the file by going to the court and asking to see it. She said that Spindler-Krage had no reason to go into her divorce file as it did not relate to City business.
- 1.41 She said that after the fact, twenty-two examples were given of conduct Dennis allegedly engaged in that were said to support the censure. Dennis either denies these items outright, or states that they do not warrant censure, or [REDACTED]
- 1.42 Dennis went through many of the censure examples in the first interview, and then again at the second interview that she requested.
- 1.43 June of 2022, League of Minnesota Cities Conference in Duluth: She denies the allegations made. She did not engage in any threatening behavior. Zelms threatened to block her messages. There was only one encounter between them, and Zelms put her hand up and told Dennis that she would not speak to her. Dennis said that there were witnesses who could verify that she did not behave inappropriately. She would not provide the names of witnesses.
- 1.44 July 20, 2022, meeting with City Administrator Zelms and City Attorney Spindler-Krage: During the meeting with Zelms and Spindler-Krage, they were standing in the doorway as they were leaving. She got up and shut the door.
- 1.45 Council member Dennis has confronted other City Council colleagues after City Council meetings: Dennis said that Kirkpatrick and Carlson were talking in the parking lot. She did not know what they were talking about and approached them. Kirkpatrick got upset, raised her voice, and told Dennis that not everything was about her. Dennis went to her car and Kirkpatrick ran after her with her arms raised. Dennis said that she believed that this would have been caught on security camera. This incident occurred in June 2022. She acknowledged that she did not check any security footage, did not ask that security footage be saved and does not have a copy. She acknowledged that security footage may not be saved.
- 1.46 On February 27, 2023, at the Plummer House City Council meeting, a Council member was startled by what they perceived to be a threatening gesture by Council Member Dennis: Dennis denied this. She cited to video of the meeting

recorded by a resident that was posted on Facebook.

- 1.47 National League of Cities 2022 Congressional Conference, the City of Rochester, Diversity Award: Dennis was out of the room taking a constituent call when the award was presented. She came back in afterwards and had missed it. She denies being inappropriate.
- 1.48 Move with the Mayor Award Reception: She felt that the program was not accepting of people with disabilities, as it required people to register online and use an app, which was difficult to manage. She expressed this during the award presentation.
- 1.49 Asking for personal legal advice and assistance: Dennis denied asking for legal advice from the City Attorney. She did tell Spindler-Krage that she might miss Council meetings as a result of issues related to her divorce and that there was a harassment restraining order that her ex-husband obtained. She denied asking for any advice, she was just giving him a heads up. As for campaign funds, there were some funds left in her campaign, and the NLC Vice President told her that council members might be able to use leftover campaign funds for travel to conferences to fundraise, which she felt was a legitimate question. She was on vacation visiting some relatives and had some tech issues so she could not log into a study session virtually, so she contacted Zelms and Carlson to get some assistance. Dennis felt that Spindler-Krage went to her divorce file to find negative things about her to make her look bad.
- 1.50 City Council Camera Angles: She did feel that the camera angles were unflattering, but she was not the only person who complained.
- 1.51 2022 National League of Cities Conference Extra Night: As addressed above, she asked to stay an extra night at the conference. She believes that if it had been another Council member, the request would have been granted.
- 1.52 December of 2022 Zelms Performance Review Data: She only said: “You can’t shake hands with a closed fist” which is something she says all the time.
- 1.53 Pulling Consent Agenda Items Without Notice: She does pull agenda items when she needs more information in order to make a decision. She denied threatening to do so.
- 1.54 Telling Staff to Keep to Secrets: She has not asked staff to keep secrets. She does not tell staff not to tell others about their conversations. Sometimes staff tell her things and ask that she not tell administration about their conversations. She does not ask employees their names every time they bring complaints to her.

- 1.55 Involving Assistant City Attorneys Without Authorization: She did copy additional attorneys from the City Attorney's office. She was not getting a response to her questions.
- 1.56 Demanding that City staff not share her emails: She has asked that her emails not be forwarded without asking her first.
- 1.57 February 16, 2023 Conflict with Alison Zelms: She said that Zelms was going to cancel meetings with her. As the Administrator of the City, she felt that this was inappropriate.
- 1.58 Allegation that Zelms is "Under Investigation" and the City is "stealing" "hundreds of thousands of dollars" from taxpayers regarding frequent flier miles: She said that a city council member from the Twin Cities, who she would not name, said that he was going to report Zelms for abuse of power. Dennis thought that the report was made to a private investigator or possibly to the news. Dennis later said it was an MPR reporter. Dennis acknowledged that she misstated the frequent flyer mile amount, and that over thirty years that it cost the City tens of thousands of dollars, not hundreds of thousands of dollars.
- 1.59 Claim that Council is Violating Open Meeting Law: She has questioned whether the OML has been violated and expresses her opinion that there should be more transparency. She has cited the City's Transparency Act when holding meetings that are not streamed, such as the February 27, 2023 meeting at the Plummer House, and may have used the term Open Meeting Law when she meant the Transparency Act.
- 1.60 Accusing Councilmembers and Staff of "gas-lighting": She has been made to feel less intelligent and has been spoken to in a condescending manner. She said that the term "manipulate" may be more accurate.
- 1.61 Sending messages late at night and accusing City of causing her to suffer [REDACTED] because the City Council meetings are too long: Dennis occasionally sent messages at night when she could not sleep but stopped when it became an issue. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] She mentioned this to City Administration as a basis for shorter meetings.
- 1.62 Stating that City staff and City Council colleagues are suffering from "pain" in their personal lives and taking it out on other colleagues: Dennis said that if

she said this, it was taken out of context. She has listened to other council members' struggles and has been sympathetic.

- 1.63 Alleging that Council colleagues and City staff are engaged in “destroying democracy,” “intentionally harming Ward 6 residents,” “slander,” “defamation,” “threatening her kids,” “harming her family,” “destroying her life,” “destroying her career,” “lying,” “targeting” her, “hating” her, and “degrading” her: She said that these words and phrases are taken out of context. Dennis believes that the censure was intentionally done to hurt her, that it hurt her children and her constituents. The whole purpose of the censure was to humiliate her. She feels that the use of the term “physical threat” may prevent her from being employed by a school in the future.
- 1.65 Sending an email to Council President Carlson on March 6, 2023, before the evening Council meeting with accusations and containing private information on Carlson that was forwarded to individuals outside the City and the Media: Dennis said that she initially sent the email to just Carlson, but later when she felt attacked, she sent it to a Post Bulletin reporter and other people involved in the censure. She said that the email was not meant to be harassing but was intended to clear the air.

2. Kim Norton, Mayor

Norton was interviewed on April 18, 2023 regarding Molly Dennis' complaint of discrimination. Norton stated the following:

- 2.1 She met Dennis prior to Dennis running for office. Dennis told her that she [REDACTED]. Dennis said that she had worked at the school district and [REDACTED].
- 2.2 Dennis is self-focused on her own needs. She spends time talking about her divorce, her children, [REDACTED]. She frequently shows up late. Norton has tried to help Dennis and coach her in her role as Council member.
- 2.3 Norton has regular Teams meetings with Council members to go over constituent issues. The meetings are focused on City business. Other Council members took 30-45 minutes. Dennis preferred phone calls. The calls with her usually lasted an hour and were frequently unproductive. Dennis would focus on her divorce, her children, and [REDACTED]. During one meeting, Dennis yelled at her and hung up on her after 15 minutes. Dennis does not like virtual meetings because she does not like to look at a person when talking. Dennis does not like screens.

[REDACTED]. She has cried on the phone during their calls.

- 2.4 Norton said that Dennis gets up in people's faces. She throws her arms around.
- 2.5 Dennis does not have much money. She cannot afford to travel or pay up front and be reimbursed by the City. When they went to the convention in Washington, Norton bought all of the tickets and booked the flights. Dennis then started questioning the travel miles. Dennis wants travel miles so she can travel more. She claimed Norton was getting miles she should not have when Norton had done Dennis the favor of fronting the money for Dennis to go to the conference. Dennis is obsessed with travel miles.
- 2.6 Many of Dennis' issues [REDACTED] Norton has a child [REDACTED] Dennis seems to believe that [REDACTED] it is the job of everyone around her to change to make her happy.
- 2.7 Meetings can go on until 11 p.m. or later. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] The Council takes a break every 1-2 hours depending upon the agenda.
- 2.8 Dennis regurgitates everything that she hears at public comment during "other business" which drags the meeting out. Historically, if something new came up during public comment, it was referred to staff to look into. Dennis hears something at public comment and then spends "other business" going over it again at length, asking questions of staff that they have not had a chance to look into. Frequently it is an issue that the resident has already brought up previously and is just coming to public comment to raise again.
- 2.9 Normally, when a Councilmember gets a complaint about something from the public, they direct the person to the right Department for assistance. It is not their role to get personally involved in fixing the problem but to direct the constituent to the staff person who can fix the problem. Dennis micromanages and abuses her authority. Dennis has demanded information on incidents involving confidential police matters. She has tried to fix parking tickets. Norton has told her that she has no special privileges as a Council member. If someone calls Dennis on her behavior, she responds by saying [REDACTED]
- 2.10 She and Dennis were going to the NLC in Kansas City the same day. Norton was the voting delegate. They were going home before the vote on the platform. The platform had been drafted beforehand. Dennis started obsessing over the fact that

Norton would not be there to vote. Dennis was interrupting Norton while Norton was busy preparing for and presenting two workshops that Dennis did not attend. Dennis only cares about her things, she does not care about anything else. Dennis spent the rest of the conference sending emails and texts to multiple people, trying to rearrange her flight and hotel so she could stay at the conference another day. Zelms told Dennis it was not important to stay. Dennis was not serving on any committees. Norton serves on committees at the conference, but all of them were finished. Dennis had not read the emails or participated in any of the committee work in advance. Dennis was not prepared. Dennis got stubborn and changed her flight for free and wanted to add an extra hotel night at cost to the City for no reason. Dennis did not have voting rights. Norton checked and there was nothing controversial, so there was no reason to stay. Dennis stayed the extra day, without voting rights. Dennis raised her hand and yelled from the back of the room. She had an extra \$40 luggage charge for all the extra paperwork she brought back.

- 2.11 Dennis and Norton went to the NLC conference in Washington D.C. with Kirkpatrick. Midway through dinner, Norton's name was called, and she received an award on behalf of the City. Dennis was out of the room at the time. When Dennis came back in, she began shrieking at Norton. Norton was seated at a table with other people. Dennis was yelling at Norton because she said that Dennis was not there. The next morning at breakfast, Ukrainian President Zelinski was speaking to Congress. Dennis said to the people at their table that she wished that Putin would bomb the United States instead of Ukraine.
- 2.12 Norton was aware of the censure the day before it happened. Carlson told her. Norton had been on vacation leading up to the censure and the day of the censure.
- 2.13 Dennis is inappropriate in her interactions with staff. She does not talk to the City Administrator or Department Head. Norton tried to coach Dennis to refer matters to the Department Head or City Administrator rather than going to staff members. Dennis would not listen. She says that [REDACTED] she gets to do things her way. Dennis says "sue" regularly. She demands that she be [REDACTED], or she will sue. Dennis is supposed to copy Norton whenever she has contact with the Police Department but feels that she does not need to.
- 2.14 In the Fall of 2022, Norton was in the rotunda of City Hall with 40-50 people. Norton was giving out gift cards for the Move with the Mayor event, to those who won in each category. Norton had personally purchased the gift cards for kids for hot chocolate. Dennis came with her two children and put Norton on the spot, asking for a prize. Her children had not won anything and not everyone got a prize. Dennis stormed out with her kids. She then came back, yelling and crying, saying that the event was unfair and was not accommodating to everyone. Norton

said that Dennis' children were not runners. If someone wanted to participate and did not want to join online, they could fill out the paperwork and mail it in. Dennis' children did not do this.

3. Shaun Palmer, Council Member

Palmer was interviewed on April 18, 2023 regarding Molly Dennis' complaint of discrimination. Palmer stated the following:

- 3.1 He did not know Dennis before she was elected. He does not spend time with her except at meetings. Dennis is disruptive and makes false statements. She implies that other Council members are wealthy and that she cannot do things that the rest of them can because she cannot afford things. She claims that she is the only one of them that listens to people. She accused Palmer of saying that she was on drugs. He denied it and a month later she said it again.
- 3.2 Dennis has alleged that the other Council members do not know anything about [REDACTED]. She did not raise [REDACTED] with him. She has said [REDACTED]. She claimed that the censure was because of her [REDACTED], which is not true. The censure vote was not due to [REDACTED].
- 3.3 Palmer did not draft the censure. He was not aware of the censure until it was introduced. It was drafted to Council Member Keane, who had helped her get elected and helped her in her role on the Council.
- 3.4 Palmer was not aware of the examples list prior to the censure.
- 3.5 Palmer was at the February 27 meeting at Plummer House. Dennis had a tantrum at the meeting, which went on for 3-4 minutes. She claimed that it was a violation of the Open Meeting Law, which was not true. The meeting was open to the public. Dennis was accusing the City Administrator of not following the law. Dennis was raising her voice. Council Member Wahl was trying to interrupt her to calm the situation down, but Dennis would not acknowledge him. She did not want to fill out a survey and wanted more time. She wanted an hour to fill it out or to turn it in the next day. Dennis was talking to herself and talking in circles. After the meeting Dennis was outside with Carlson and they were yelling at each other. Wes Lund, a resident who regularly attends Council meetings, commented that he was not going out to the parking lot. Keane was talking to Dennis by her car.
- 3.6 Palmer voted in favor of the censure. He agreed with what was written. Aaron Parrish came up to her and told her that there was a room where she could read it privately and where she could ask questions, but Dennis refused that offer. Palmer sits next to her, so he heard this offer.

- 3.7 Dennis has asked for [REDACTED] and he has supported [REDACTED] when she has asked for them. Palmer gets up and stands in the corner and stretches frequently during meetings. He can still observe the meeting and hear everything. He turns his back to her because she fidgets during meetings, which he finds distracting and prevents him from concentrating. She has recently taken to typing loudly during meetings, which is very distracting.
- 3.8 Nothing has changed with respect to Council Rules or how long someone can talk. Nothing has changed because of Dennis. The rule is eight (8) minutes per topic. On the night of the censure Dennis spoke for fourteen (14) minutes, which the Council allowed because it was about her.
- 3.9 By 1:00 p.m. on Monday, each Council member is supposed to say whether they are going to pull an item from the consent agenda. Palmer reviews the packet the prior week and sends out his questions so that he can get answers before pulling an item. No Council member other than Dennis pulls consent agenda items without an explanation. Dennis does this all the time. She has no depth of knowledge on the issues she is pulling. She claims she is acting for “transparency” or to save money, but it does not correlate to the actual issues.
- 3.10 She has brought up the issue of frequent flyer miles at least three times. The matter has been addressed and taxpayer dollars are not being wasted. She has been told this, but she will not let it drop.
- 3.11 She also keeps bringing up that police keep their squads running and that they are wasting gas. She has been told that there is expensive equipment in the squads, including computers, that have to be temperature controlled, but she will not let it drop. She is not claiming that there is a law against keeping the squads running.
- 3.12 Council meetings usually end around 10 p.m. “Other business” on the agenda is at the end of the meeting. It typically is nothing, but Dennis uses it to bring up things she is offended by.
- 3.13 Dennis’ speeches are typically making accusations, repeating herself, and citing no facts. She does not get anything accomplished. No one has done anything to belittle her.
- 3.14 Palmer disclosed for this investigation that [REDACTED] It has been very hard for him to do things because of it. He works hard. He has one child who [REDACTED] [REDACTED]. He has another child who [REDACTED]

██████████. He was offended when Dennis says she is the only one who understands ██████████.⁵

- 3.15 Palmer feels that differences of opinion are great. He has never taken offense to any position she has taken on the business of the City.
- 3.16 Dennis' emails are offensive, cruel, demeaning, and false. He does not send emails over the weekend or at night, even though he works weekends and at night. He does not text the City Administrator or City Attorney in the evenings or over the weekend. is offended when Dennis says that the Council is violating the Open Meeting Law. He is offended when Dennis says she is the only one that wants transparency, which is not true.
- 3.17 Palmer has no problem ██████████ The City of Rochester would ██████████ to anyone. He was an employee of the City for 25 years. ██████████ ██████████
- 3.18 Dennis has commented that Palmer does not care because he does not attend conferences. He looks at the agendas and determines if the conference is helpful.
- 3.19 Palmer has had to walk Carlson out of the building five different times in the past 6 months (October – April) because Carlson was afraid of Dennis. He has seen Dennis approach Carlson in a physically aggressive manner in the parking lot.
- 3.20 All emails sent to staff are copied to Zelms. If he has a meeting with staff he sends an email to Zelms updating her on the meeting. If he gets a resident complaint, he may send an email to the Department Head who the issue involves and copy Zelms. He would not personally attend a meeting with a resident and a line staff member.

4. Norman Wahl, Council Member

Wahl was interviewed on April 18, 2023 regarding Molly Dennis' complaint of discrimination. Wahl stated the following:

- 4.1 He was elected in November 2022 and took office in January 2023. He did not know Dennis before they were on the Council together. He is aware from her comments that she ██████████. He and Dennis have a friendly working relationship.

⁵ Council Member Palmer was asked about disclosing this information in this report and stated that he wanted to have this information included.

- 4.2 He attended the meeting at the Plummer House on February 27. There was a plethora of information presented, which they were to use to set priorities for the future. Dennis recorded the meeting and a man in the audience also recorded it. Dennis expressed her belief that holding the meeting at the Plummer House was a violation of the Open Meeting Law. Towards the end of the meeting, Dennis became openly hostile towards Zelms. Dennis' voice was raised. Dennis started the interaction and persisted with it in spite of Zelms attempts to answer her. Three times, with increasing volume, Dennis raised the same question and would not listen to the answer. Wahl was not privy to what happened in the parking lot.
- 4.2 Wahl has noticed that Dennis generally speaks in meetings when it is an issue that she believes impacts people in her Ward. Dennis speaks to whatever comes to her mind and reacts to what happens in the meeting.
- 4.3 Wahl abstained from the censure. He had not seen it prior to the meeting. He felt it was unfair to ask the Council to vote on it without giving them time to consider it. It was his understanding that Dennis had not seen it either. He was aware that people talked about the possibility of a censure prior to that night but was not aware it would be that night or of the content of the censure. There were no emails in advance about the censure.
- 4.4 Keane did not give any examples at the March 6 meeting to support the censure. He gave his rationale for the need for the censure at the meeting.
- 4.5 Wahl got the list of examples at the same time that it was released to the media. He was aware of some of them himself and had been told about some things by Zelms. He had experienced Dennis asking the same questions over and over again. Dennis raises issues and takes time asking questions that are rarely agenda items.
- 4.6 Wahl said that in the past weeks after the censure, Dennis will state that she cannot talk to anyone for fear of violating the censure so she has to ask people at the podium. Many people have tried to disabuse her of this idea, but she will not listen.
- 4.7 Rarely does anyone other than Dennis raise an issue that is not on the agenda. 90% of the issues in other business are raised by her.
- 4.8 Frequently at public meetings Dennis claims she is being discriminated against and that [REDACTED]. She raises her personal issues during public meetings.

4.9 Dennis complained that they broke a covenant by having a work session go past 5 p.m. on a day when they have a Council meeting at 7 p.m. She said that she [REDACTED]. At the April 17 meeting she said [REDACTED]. This comes up at every meeting.

4.10 There have been two times over the four months he has been on the Council where she has been cut off when she just kept going on and on about something. Wahl said that one example occurred when she went on and on with a litany of things, and then randomly went into accusations about the sale of property 8-12 months earlier. She may have disclosed non-public data. There were points of order and the meeting devolved. She continued to talk about whatever came to mind, and in the middle of the rambling someone called for adjournment, which passed.

4.11 He is not aware of any retaliation or intent to retaliate. The censure was an attempt to govern behavior to allow the Council to operate more effectively and deal with the issues before it.

4.12 [REDACTED]. At the February 27 meeting, Council members were asked to rank priorities and turn them in that evening.

[REDACTED] She was offered the option of [REDACTED] but got upset, saying [REDACTED].

4.13 He believes that Dennis has her heart in the right place and is doing the best she can for her constituents and the City of Rochester.

4.14 He does not believe that anyone is discriminating against her. He does not believe anyone is retaliating against her, based on anything he has seen, heard, or read.

5. Alison Zelms, City Administrator

Zelms was interviewed on April 18, 2023 regarding Molly Dennis' complaint of discrimination. She was given a Tennessen warning verbally. Zelms stated the following:

5.1 She did not know Dennis prior to interviewing for the City Administrator job. Dennis discussed that [REDACTED] when they met in the winter of 2021. Dennis said that she [REDACTED].

████████████████████ They had meetings while walking outside during COVID, which was not related to ██████████

5.2 When they were getting ready to go back to in-person meetings, Dennis raised concerns about ██████████
████████████████████ ██████████

████████████████████ She raised concerns regarding some personal family challenges and wanted to have meetings every day of the week instead of just Mondays. She did not want study sessions on the same day as Council meetings. ██████████
████████████████████. Some were raised in the context of ██████████ and some related to her family, such as wanting to have dinner with her children. Council meetings have been on Mondays starting at 7 p.m. following a study session from 3:30-5 p.m. for decades. None of the other Council members wanted to have more than one meeting per week.

5.3 Council packets go out at 5 p.m. on Wednesday. Study session packets go out on Thursday. Dennis ██████████

████████████████████ Dennis requested and was provided more onboarding and training, and continued to make repeated requests for more training, but not anything specific. She wanted training on how departments worked, and other policy level issues.

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████████████████████ ut of respect to the public, who are present to speak at the meeting or listen to an item. Meetings typically go to 9:30 or 10 p.m., but sometimes 11 or 12 p.m. depending upon the items on the agenda and what comes up in public comments.

5.4 The “other business” portion of the meeting is an opportunity for Council members to bring up something that was not on the agenda. This may be an issue that was raised during public comment where a Council member may request that staff look into something and bring back a memo on it. It is open, but usually it is something that will come back to another meeting. They can make a motion to direct work.

5.5 Dennis used “other business” to encourage people to mask up during COVID and ask other Council members to take action regarding COVID. She now uses this forum in a unique way, particularly in the past six months to bring up personal issues rather than public business in the public forum. This includes personal comments about Zelms. Dennis has said that she does this to make Zelms look bad. She uses this platform to attack other people, including City staff and other

Council members. She rehashes her personal conversations that are not really City business, makes inaccurate statements regarding those conversations, and puts it out in the public realm.

- 5.6 Dennis wants to be involved in directing work of City employees, which is not what Council members do. The Council decides things on a policy level and refers constituent issues to the appropriate Department Head and may follow-up to make sure that the issue is resolved.
- 5.7 Dennis acts as an individual rather than as a member of the Council. She makes demands as an individual. Dennis brought up the idea of a mediator in 2022 to address her strained relationships with Council members. Zelms told her that all parties have to want to mediate.
- 5.8 Dennis went to a conference in Washington DC in 2022. Zelms did not attend the conference but received a lot of calls about Dennis during the conference. She was told that Dennis made a statement at the conference that “Putin should just bomb us” while crying. This statement was made in a public setting. There were concerns that other Council members present did not want to be with her all the time and wanted to enjoy the conference.
- 5.9 Redistricting was occurring in 2022. Dennis was accusing other Council members of things without facts, and making inflammatory comments about them, such as them being untrustworthy and misogynistic, not caring about single parents, and that this is how you get people like Putin. Dennis’ comments kept escalating, saying that her fellow Council members did not know what it was like to have children, even though they had children, and stating that they were privileged and that they could not understand. Dennis would blurt out attributes that she assumes about other Council members, which escalates and escalates. She would get louder, more breathless, and emotional. She was very disparaging against others. This occurred in the Spring of 2022, after the Washington D.C trip. Redistricting would not adversely impact Dennis, and the conversation did not directly relate to redistricting. Zelms could not recommend mediation between Dennis and other Council members when Dennis was making these kinds of accusations.
- 5.10 The Mayor has a Youth Commission and so does the County. Dennis was a liaison to the County. Dennis did not like the idea of a combined Youth Commission. There were many emails back and forth with a large number of people, including elected officials, that were disparaging of the City, including Dennis saying that the Council did not care about youth. Zelms asked Dennis not to engage in this way and to not disparage the City and her colleagues with people across the state.

5.11 The following week Zelms attended the League of Minnesota Cities (LMC) conference in Duluth in June 2022. Zelms is on the LMC Insurance Trust Board (LMCIT). She arrived at 5 p.m. on Wednesday and needed to be back in Rochester by Friday. Two Council members and the Mayor attended. She was concerned, given what happened at the NLC conference in Washington. Dennis always wants to know where everyone is going to be at conferences, and what sessions they are attending, etc. The Council has never asked this of staff or Council members, only that information be provided in quarterly reports.

5.12 At the conference, Dennis began texting Zelms and Zelms' executive assistant, asking who was at the conference, why she had not been told in advance, and demanding to meet with Zelms. Zelms had previously rescheduled her bi-weekly meeting with Dennis, which frequently involved listening to Dennis talk about her family life, because Zelms had meetings to attend at the conference. Dennis was texting the Communications Director who was preparing for a speech and Zelms intervened to ask her to stop that. Zelms did block Dennis' texts for a short period of time, approximately three hours, while she prepared for and gave her own speech. Dennis went around the conference asking people what the League could do about Dennis not being informed that Zelms was at the conference, asking for mediation, and asking for legal counsel. She asked LMC officials these questions. She went around the conference asking people where Zelms was. After Zelms finished her presentation and unblocked Dennis, the incessant texting started again, with no subject other than that Zelms needed to meet with Dennis. During a conversation Zelms was having with several other people Dennis was pacing back and forth nearby, and when the conversation was over Dennis approached Zelms and said that they should meet then. Zelms had a session to attend in five minutes and told Dennis she could not meet. Dennis told Zelms that she was going to get an attorney and get LMC involved. Zelms felt threatened and as if she was being stalked at the conference. Three or four different people throughout the day approached her to tell her Dennis was trying to find her and saying Dennis wanted to get LMC involved. At breakfast on Friday, a former Police Chief who works for LMC advised Zelms to go back to her table because Dennis was there and upset. She took his advice because she did not want to escalate anything. Spindler-Krage was at the table as well as some people from LMC.

5.13 [REDACTED] She and Spindler-Krage met with Dennis and her friend Angie on July 20, 2022. The meeting lasted 15 minutes, although she thought it had been scheduled for an hour. Spindler-Krage handed the document to her, which was written by Zelms. *Exhibit 4*. Dennis was very upset, overwhelmed and crying. She did not understand why this was necessary and did not feel that it was fair that she should have to get the document if other Council members did not get it. The document was to help Dennis focus

on City business and not on Dennis' family and personal issues. Dennis was standing up for part of the meeting. Dennis was talking 90% of the meeting. She claimed to be treated differently. She said that every Council member should have to do everything on the list too. Zelms said that all Council members were already doing everything on the list (*Exhibit 4*), except having meetings by Teams or phone. She added that to the list due to what happened at the LMC meeting in Duluth. She has never had to tell another Council member that communications should not involve complaints or grievances about colleagues. No other Council member suggested that a colleague was like Putin. At the end of the meeting Zelms turned to thank Dennis' friend for coming. Dennis pushed the door shut, thereby pushing Spindler-Krage against Zelms. The door was being shut on them physically.

- 5.13 Dennis has regularly brought her personal life into their regular meetings. She started this in 2021 by talking about her family, her divorce and her extended family. These topics are brought up in the majority of their meetings about City business. It did improve towards the end of 2022 for a while. In 2021 the scheduled meeting would extend to 1.5 to 2 hours, with more than half of it being taken up with Dennis talking about her personal life. In 2022, the beginning of every meeting was about Dennis' personal life. The meetings were 45 minutes long every other week, and still half of the time was spent on Dennis' personal issues. Dennis also spent time rehashing something Zelms did or how she did it. Dennis repeatedly asked questions on issues or wanted information on issues that the Council had decided not to pursue, which City Administration did not have the time or authorization to expend time on. Zelms works for the Council and has had to decline pursuing things that only Dennis wanted. Dennis has wanted to rehash the same questions and look for different answers. She accuses Zelms of not caring about her issues, or of being a gas lighter, or manipulator. Dennis has asked her to tell her everything that Zelms has told everyone else.
- 5.14 Zelms sends the same Council update to each Council member. Each one picks the topics they want to talk about at their meetings.
- 5.15 Zelms may have told Dennis that she was "always wrong", but it would have been in the context of a long conversation and in the context of Dennis asking a question over and over.
- 5.16 "Other business" was removed from study sessions because there was a misunderstanding that the Council could take action at study sessions if other business was brought up. Other business is still on the agenda at regular Council meetings.

- 5.17 Zelms denied that she takes excerpts of Dennis' emails out of context to make Dennis look bad. There was one time that Dennis asked that she share a reason for pulling an agenda item, so Zelms quoted Dennis' email verbatim.
- 5.18 Zelms said that after a lengthy conversation with Dennis, Dennis said that the County had used a mediator, citing a County Commissioner. Dennis went on repeatedly about what the Commissioner told her had worked for the County, and that the City should do this as well. Dennis' tone was demanding. This conversation occurred after the LMC convention where Zelms was asked about mediation and was advised that all parties would have to be interested. Zelms had no indication that anyone else on the Council was interested. Zelms responded to Dennis' statements by saying that if that was her preference she could have run for Commissioner. Zelms said that she regretted the comment.
- 5.19 Zelms said that she tries not to use any humor or sarcasm when talking to Dennis
[REDACTED]
- 5.20 In October or November 2022 Dennis wanted to attend the conference in Kansas City. The travel policy is to fly. This has less liability. Dennis wanted to drive, which is allowed under policy if it is cheaper than flying, but then her car broke down and they had to purchase tickets at the last minute. The Mayor planned to leave on Saturday night unless she was appointed to the NLC Board, which she was not. Dennis demanded to stay another night when she found out the Mayor was leaving so she could attend the NLC membership meeting, but she was not a delegate, the Mayor was. There was no City business to be conducted on the Sunday of the conference, just the NLC meeting. The conference does not allow a change in delegates to the NLC membership meeting at the conference. Voting is largely ceremonial.
- 5.21 At this point, Dennis raised the issue of frequent flyer miles, saying that the City must have a lot of miles saved up that could be used for her to change her flight and allow her to stay an extra day. Somehow, she got her flight changed, but the issue of frequent flyer miles became an ongoing topic with her, that she will not drop even though she has been provided information that she is wrong on how the frequent flyer programs work.
- 5.22 Zelms did not approve a hotel room for an extra night because there was no business reason for it under City travel policy. Dennis was upset and said that Zelms should not have the authority to deny her travel. Dennis is an individual Council member, not the Council. It is Zelms' responsibility to do what the Council says and to administer its policies. [REDACTED]
[REDACTED]

5.23 Dennis has said that Zelms is under investigation. When Zelms has explained to her about the frequent flyer miles, Dennis has responded by saying “you are under investigation.” Zelms has asked her who was doing the investigation. Dennis would not identify a person or agency. Instead, Dennis said “another elected official” or “someone from the cities.” Zelms has told Dennis that she may be creating liability for the City of Rochester by making these statements.

5.24 The City decided on a more formal process [REDACTED] In the late summer/early fall 2022 the City began engaging with Dennis [REDACTED] [REDACTED] to get more information. Aaron Parrish worked with the City’s employment attorney and Dennis. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

5.25 [REDACTED] [REDACTED] [REDACTED] [REDACTED] She demands things unrelated to [REDACTED]

5.26 On February 27, 2023 there was a retreat at the Plummer House to discuss strategic planning. Dennis wanted the meeting to be recorded. It was posted and open to the public, but Dennis was still upset. She cited the Transparency Act, which is a Council policy in a Council Initiated Action format, not policy format. They try to follow it. It states that all official Council meetings are to be recorded or streamed. This does not apply to retreats. It is not an ordinance, resolution, or law. In January 2023 the Council adopted a resolution regarding streaming and provided caveats that certain types of locations and meetings, such as facilitated meetings, do not have to be recorded or streamed.

5.27 The Plummer House meeting was scheduled from 3:30 to 8 p.m., with a dinner break and a tour. At the beginning of the meeting, they asked each Council member to list their top 3-5 priorities, and then at the end of the meeting they would ask them all to rank them again. Most of the meeting was pretty typical. Toward the end of the meeting the Council was again asked to rank their priorities. At this point Dennis was very concerned about having to do this. She raised the Open Meeting Law again. Dennis said that no one cared about the community, and no one cares about [REDACTED] She said it was discriminatory, that [REDACTED] [REDACTED] She then started to do something else. They started to tally the results of the Council members who turned in their information. Dennis then demanded to see what other people had turned in. [REDACTED]

agrees, is sufficient. She says that the censure says what it says unless the Council takes action to modify it or formally clarify it.

- 5.32 The list of examples came about because on the evening of the censure, Dennis requested examples. The Council members just wanted to issue the censure and move on, but Dennis kept insisting on examples. Then members of the public also asked for examples as well. In response, the list was compiled by Zelms and Spindler-Krage. *Exhibit 8.* [REDACTED] helped with drafting the document. [REDACTED]
- 5.33 Dennis picked out still clips of footage of the meetings and claimed that she was being singled out in an unflattering way. Administration had to go through footage to see what she was claiming. This was a waste of resources.
- 5.34 Dennis violated Zelms' privacy rights and her employment contract by disclosing information from Zelms' performance evaluation. Dennis sent an email to numerous people saying that Zelms acknowledged in a recent meeting that she did not read Dennis' whole emails. The recent meeting was Zelms' performance evaluation. Zelms does not read the whole of Dennis' emails because they contain personal attacks on Zelms. Dennis also said in a public setting that Zelms should have said she was sorry about something related to Dennis' personal life. Zelms did not respond. Dennis then publicly stated "well you do not read my emails anyway."
- 5.35 Dennis will send emails and tell Zelms that she cannot share it. The information is all public data. Zelms will tell her that she has to share information as necessary to conduct City business.
- 5.36 During a regular check-in with Dennis on February 16, Zelms had to end the call. She warned Dennis that if she continued with a personal relationship rant, she would end the call. Dennis continued with personal grievances. Zelms told her she would remove their meetings from the calendar as they are not productive. Zelms then clarified that they would resume meetings if they were productive. Dennis included others in the emails.
- 5.37 Dennis regularly states that Zelms and other Council members are gaslighting her. This happens most often when Zelms disagrees with Dennis, or when she tells Dennis that something does not align with the Council Rules of Procedure.
- 5.38 The comments about slander, harming her, lying, and targeting, etc. were either made to Zelms, at meetings where Zelms was present, or in emails that Zelms received.

5.39 The example regarding Council President Carlson's [REDACTED] was contained in an email that Dennis sent to individuals in the media, staff, and other Council members on or after March 6, and also shared verbally at a Council meeting. Council Present Carlson was very distressed by the email that she received from Dennis.

6. Michael Spindler-Krage, City Attorney

Spindler-Krage was interviewed on April 19, 2023 regarding Molly Dennis' complaint of discrimination. He was given a Tennesen warning verbally. Spindler-Krage stated the following:

6.1 There has been interpersonal conflict between Dennis and her colleagues and staff that increased in the nine months leading up to the censure.

6.2 The Council had resisted Dennis' request in 2021 [REDACTED]. Dennis had then focused on requesting [REDACTED]. It was not clear whether [REDACTED] were because of [REDACTED] or a preference. She makes requests but some of them are because she is a single mother. The Council rule on breaks is 90-120 minutes.

6.3 Beginning in late 2021 or early 2022, Dennis began having conflicts with her Council colleagues unrelated to City business. She complained that she was treated unfairly. She claimed that procedural rulings were unfair. Dennis complained that the Council President was cutting her off during meetings. She complained that there were rumors about her in the community, that a colleague was badmouthing her and threatening her children, the meeting was too long, someone was rude, etc. These complaints were happening between meetings, in conversations and lengthy emails and text messages.

6.4 Most of Dennis' complaints and conduct were not too noticeable during Council meetings. During COVID she was very vocal about the mask mandate and raised it under "other business" at nearly every meeting. She made it seem like the Council was not doing anything. She would often use language that the Council was responsible for killing people. This led to a flare-up between Dennis and Council Member Campion, where Campion said she was badgering her colleagues. This exchange led to a large exchange of emails from Dennis complaining about Campion being dismissive of her. Dennis focused grievances on Campion, claiming he treated her badly, and focusing on how he spoke to her. She would waste staff time by bringing up her complaints over and over. She would raise these issues and complaints about the Council, with Zelms, Spindler-

Krage, Carlson, Human Resources, and other staff, including t [REDACTED] This conduct was persistent from 2021 until present.

- 6.5 There was a volunteer on her campaign named Steve Saliba. Spindler-Krage may have referred to him as her “ex.” Saliba made an ethics complaint against Dennis in later 2021. It was a narrow complaint based upon Dennis sending an email to his Mayo clinic email address suggesting he was harassing her. The ethics question was whether it was an abuse of power for a Council member to send an email like this to someone at their place of employment. The ethics complaint was dismissed without investigation on the grounds that it did not fall under the ordinance. Spindler-Krage worked with Dennis through the process. There was no mention of the Saliba complaint until late 2022. At the Ethics Committee meeting in November 2022, he made a report to the Committee regarding the fact that an elected official was continuing to make ethics allegations against other elected officials and questioned whether these issues should come before the Committee. This discussion got back to Dennis. She asked Spindler-Krage if he brought up her name and he said no. She would not drop it and started bringing other people into a conversation about the ethics conversation. When he explained that her name was not brought up in the November meeting, she responded with an email copying a large number of people that stated “thank you confirming that my name has never come up at the ethics committee.” This was not true. Spindler-Krage responded that her statement was not accurate, and that there had been a prior ethics complaint against her “involving your ex.”
- 6.6 Spindler-Krage thought that Saliba was more than a volunteer on Dennis’ campaign. He was her campaign manager and it seemed as though there was a romantic relationship between Dennis and Saliba at some point. Dennis and Saliba were on vacation together in California. Saliba was paying for the vacation. Something happened on the trip, and it led to some hysterical calls from Dennis asking for help.
- 6.7 The prior City Attorney told Spindler-Krage that when he was the Deputy he was fielding questions from Dennis about her divorce and how it might impact her position on the Council. When he became City Attorney, Dennis informed Spindler-Krage that her husband had obtained a temporary restraining order against her. Dennis talked about her custody and visitation issues, and her grievances against her husband. Her ex-husband’s new companion then got a harassment restraining order against Dennis. Dennis claimed that the HRO impacted her ability to be in elected office. Her personal legal issues were not something he could advise on, and he tried to make clear boundaries. Dennis seemed to think that anything that affects her life affects her role as Councilmember and affects City business. She wanted to know whether to contest the HRO and the limitations on going to Mayo and getting medical care.

- 6.8 In early 2022 an HRO involving Dennis' ex-husband's girlfriend was going on. In May-June, there was new litigation involving her ex-husband that Dennis was talking about. In late June 2022, there was a Court order around the time of the LMC conference in Duluth that was troubling, involving child custody and conflict with her ex-husband. The judge went out of her way to place blame on Dennis for her bad behavior, stating that [REDACTED] did not excuse Dennis' conduct.
- 6.9 The night of the censure when there was a 10-minute recess, Dennis indicated that this was terrible, and her children were watching this. Aaron Parrish suggested that perhaps her children should not be watching this meeting. Dennis said that her children should see this. Over the next two weeks Dennis claimed that the City was harming her children and destroying her family, [REDACTED] [REDACTED] Spindler-Krage was concerned about how Dennis was involving her children. He found it consistent with what the judge had found about how she inappropriately involved the children. Dennis made a Facebook post about her children being harmed by the City, and a communication to Zelms and Spindler-Krage and others that how they were handling things [REDACTED] [REDACTED]
- 6.10 Spindler-Krage attended part of the LMC conference in June 2022 as it overlapped the Association of City Attorneys Conference by one day at the same place. He received some text messages and a missed phone call from Dennis on the Thursday of the conference. Dennis asked for a copy of the City charter. He sent her a link to it. Spindler-Krage also received messages from [REDACTED] and Zelms, [REDACTED] Dennis was upset that she did not know who would be at the conference. Dennis had been pitching the idea of carpooling but that is not required by the travel policy. There is no rule or policy on notifying the Council who will be going to conferences. Dennis was upset and felt that things were being hidden from her, then escalating to contact with City staff about who was there and what they were doing. He communicated with Dennis that people should be allowed to focus on the conference. Dennis continued texting Zelms and approached her to talk. Zelms had legitimate work at the conference and Dennis was distracting her from her presentation. There was no legitimate reason for taking Zelms away from the conference to meet with Dennis. Zelms felt harassed.
- 6.11 The situation at the LMC conference in Duluth made it clear that the ongoing situation with Dennis needed to be addressed because things were becoming difficult. [REDACTED]
- 6.12 [REDACTED] a document was created to make clear to Dennis some clear guidelines. *Exhibit 4*. There is nothing

in it that is different than what other Councilmembers are already complying with or have had training on. City Administration has not created a document like this for other Councilmembers. Dennis had told people after the Duluth LMC conference that Zelms would not communicate with her, which is one of the points listed. The document was created to help Dennis manage constituent concerns, connect people with the right person in the City, and then step away.

- 6.13 Spindler-Krage and Zelms scheduled a meeting with Dennis on July 20, 2022 at City Hall, which was the third attempt to have the meeting. Dennis brought a friend with her. Dennis demanded mediation. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- 6.14 At the July 20 meeting Dennis was physically agitated. She talked over Spindler-Krage and Zelms from the beginning of the meeting. He few told her a few times that if the conversation could not continue reasonably, they would have to end it. After 10-12 minutes, Spindler-Krage and Zelms got up to leave. Dennis was agitated, her voice was raised, she was waving her hands, and she was crying. Zelms was ahead of Spindler-Krage and closer to the door. Zelms opened the door and turned to Dennis' friend to thank her for coming. Dennis was sitting on a chair near the door. Dennis jumped out of her chair towards Zelms, with her voice raised and said "get out" or something similar and moved towards Zelms. Spindler-Krage moved between Zelms and Dennis. He does not recall who closed the door. He was on alert during the meeting in the room and prepared for escalation by Dennis.
- 6.15 Spindler-Krage was well aware of Dennis becoming physically agitated, waving hands, crying, raising her voice in situations when she is upset, [REDACTED]
[REDACTED]. He knows of the terms of the HRO. The order from the judge shows that Dennis knows she should not say things and says them anyway. He is also aware of her [REDACTED] such as following her ex-husband's girlfriend around Target and intervening and upsetting people, like she did with Zelms in Duluth.
- 6.16 After the meeting, he emailed the parameters (*Exhibit 4*) the same afternoon. Dennis had some exchange with Zelms later the same day that was normal in tone and she said that she would look at it over the weekend.
- 6.17 Following the July 2022 meeting, Spindler-Krage contacted Dennis and told her that they would be more formally addressing [REDACTED]. Part of this related to Dennis alleging discrimination. [REDACTED]
[REDACTED]

for an elected official. [REDACTED]
[REDACTED]
[REDACTED].

When Spindler-Krage contacted Dennis referencing the [REDACTED] Dennis accused him of looking in her personnel file, violating her privacy rights, engaging in unethical and illegal conduct. As the City Attorney he provides advice and has access to all kinds of data, including [REDACTED]

6.18 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] There were formal breaks every 90-120 minutes.

6.19 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

6.20 Dennis raised, and continues to raise, the issue of frequent flyer miles. [REDACTED]
[REDACTED] The airlines do not allow miles to be transferred to another person or entity. [REDACTED]
[REDACTED]. Dennis [REDACTED] and has claimed that the City has lost hundreds of thousands of dollars. She amended this to say it has lost tens of thousands of dollars that could be used for tickets for City travel. She has no evidence of this. She has raised the issue of frequent flyer miles at City Council meetings and has made public accusations of the City stealing from the taxpayers.

6.21 Dennis has claimed that she has spoken to other elected officials about the frequent flyer miles issue and that the City is under investigation. Dennis has said that Zelms is under investigation. She has provided no evidence that this is true.

6.22 There are five attorneys in the City Attorney's office. Dennis asked another attorney in Spindler-Krage's office for a legal opinion on a contentious legal matter because he was not available. The attorney had no involvement in the matter. She included attorneys from the criminal division on emails with her questions. He told her that wasting the time of the attorneys may be a censure issue for the Council. He does not decide whether there is a censure or not.

6.23 He was not present for the meeting at the Plummer House. He was on vacation out of state. He received a text message from Council Member Bransford on Tuesday, February 21 that he had escorted Carlson out the door to her car. Dennis had been lying in wait in the parking lot. Bransford told Spindler-Krage that Dennis flailed her arms in a way that he thought she might hit him. Bransford verbalized this to Dennis, which escalated Dennis further. Council Member Keane came out to the parking lot and walked Dennis to her car. The situation pushed Keane to do the censure.

6.24 In July or August 2022, Bransford, Palmer and Carlson brought a Council Initiated Action to amend the Council Rules of Procedure. Dennis felt it was about her. The vote to amend the Rules did not pass. Keane was resistant to the idea of managing Dennis' actions at that time. He later had more exposure to her behavior and the challenges she posed to staff.

6.25 [REDACTED]
[REDACTED]
[REDACTED] Spindler-Krage was under the impression that Parrish was working with Keane on the censure document. [REDACTED]
[REDACTED] It was not part of the Council packet that goes out on Wednesday before the meeting. [REDACTED]
[REDACTED] The Police Chief was aware that there was going to be a censure and expressed the preference that Dennis not be told in advance to avoid a security issue. A side room was made available for Dennis with emotional support for her. The censure was added to the agenda by Keane making a motion to amend the agenda. The document was then shared with the Council and the public and added to the packet at the meeting and the Council took a ten-minute recess. The plan was to escort Dennis out of chambers to the side room and provide her resources and support and give her time to review the censure. Dennis did not initially go into the side room. She started to make phone calls, including a phone call to the City's employment attorney Susan Hansen saying she was being discriminated against. Spindler-Krage was in the rotunda and Dennis asked him who contacted the Star Tribune or MPR. He said that no one from the City had contacted the media. There were multiple reporters present at the meeting who may have alerted others. Dennis made a comment about her children watching the meeting and Parrish suggesting she tell them not to. Dennis took some time in the side room talking to the support people about the censure. The meeting continued and Dennis came back in before they reached the censure on the agenda. She spoke to the censure for more than the eight minutes allotted to Councilmembers on a given items, but they allowed her 15 minutes or so.

6.26 With respect to the 22 examples, they were a combination of staff and Council examples. The Council did not have a list of examples before they passed the censure. Some portion of Council would have been aware of all of the 22 incidents. Many of the examples either included or were witnessed by Council members.

7. Kelly Kirkpatrick, Councilmember

Kirkpatrick was interviewed on April 19, 2023 regarding Molly Dennis' complaint of discrimination. Kirkpatrick stated the following:

7.1 She did not know Dennis prior to being on the Council together. Due to COVID, they did not meet in-person until mid-2021. Dennis made it very clear that [REDACTED]

7.2 On a trip to Washington D.C. there were no real issues at first. The trip was going great. Dennis was cajoling Kirkpatrick to walk with her on the Mall. It was cold and Kirkpatrick did not have the right clothes to be outside for long and did not want to go. She gave in and went and got frostbite. The next night was the awards ceremony. Kirkpatrick missed Norton receiving the award. She came into the room and sat by Norton, who mentioned that Dennis was upset about something. Then Dennis came in and there was some chaotic conversation and a lot of angst between Dennis and Norton. Kirkpatrick tried to stay out of the conversation between them. She did not attend any other conferences.

7.3 Kirkpatrick understands the challenges of [REDACTED] very well. She has been the co-guardian of a relative for two years. [REDACTED]

7.4 Kirkpatrick did not feel that the censure was fair to Dennis as she was not given any advance notice. Kirkpatrick voted in favor of the censure. It needed to happen based upon what she heard and what she witnessed.

7.5 At the February 27 meeting at the Plummer House, there was a misunderstanding in the parking lot. Dennis was upset and flailing her arms. People were frightened. Both Carlson and Bransford were startled. Kirkpatrick understood their point of view.

7.6 In December 2022, Kirkpatrick got upset with Dennis. Dennis was making statements about how Kirkpatrick felt, as if Kirkpatrick agreed with Dennis. She told Dennis to stop saying this. Dennis was misstating what Kirkpatrick believes about things.

- 7.7 She feels that she has been the most tolerant of Dennis and has been the least effected by Dennis' behavior, until December 2022 when her tolerance was tested. Wahl was better than the others because he is a pastor. She thinks that she was the last to break.
- 7.8 Kirkpatrick has a hard time reading long emails from Dennis.
- 7.9 At the Plummer House meeting on February 27, [REDACTED] she had to take the packet apart to look at it visually. She went into the foyer [REDACTED] [REDACTED] While she was doing this, she heard Dennis complaining that she needed more time. Kirkpatrick, [REDACTED] [REDACTED] just went ahead and worked on the project and completed it. When the meeting ended, Kirkpatrick helped tidy up. She heard an argument outside. A resident, Wes Lund, went outside and came back in saying that it was no place to be. When Kirkpatrick left, Dennis was in her van crying. Keane was talking to Dennis. When she walked past, Dennis waved and said "Oh hi Kelly" in a friendly manner like nothing was wrong.
- 7.10 Kirkpatrick has never seen Dennis be threatening towards anyone. She does feel manipulated by Dennis.
- 7.11 Kirkpatrick asks questions regarding agenda items before the meetings to be efficient. Dennis does not, and keeps them late, asking questions that could have been addressed if she had prepared. She talks the maximum eight minutes per item.

8. Mark Bransford, Councilmember

Mark Bransford was interviewed on April 19, 2023 regarding Molly Dennis' complaint of discrimination. Bransford stated the following:

- 8.1 He has been on the Council since 2021. Their children went to pre-school together. He has had negative interactions with her in their personal life that are unrelated to [REDACTED] He knows her ex-husband and children. Once they were on the Council they had a pretty collegial relationship.
- 8.2 He attended the LMC conference in Duluth in 2022. Dennis lost her cool when she found out Zelms was at the conference. She was incensed. He tried to avoid Dennis. He heard that Dennis cornered Zelms and blew up at her. The LMC staff were present and had to get involved. This was the first inkling he had that something was really wrong.

- 8.3 He was generally aware that there were issues with Dennis, and things occur at Council meetings with her, but he is busy and tries to stay out of it. The issues with Dennis came to a head at the February meeting at Plummer House. Dennis made her usual big deal about various things. Towards the end of the meeting when things were wrapping up, Dennis walked towards Carlson. Carlson backed up away from Dennis and said, “Molly stay away.” Bransford had not seen the texts but understood that there have been negative communications between Dennis and Carlson. Dennis made allegations about the Open Meeting Law. Dennis “barks” at people when she is on a subject and cannot get off it. Bransford offered to walk Carlson to her car to get Carlson out of the situation, thinking that since Dennis generally gets along with Bransford, she might back off. However, as is typical, Dennis slowed down in the parking lot and waited for Bransford and Carlson. Carlson told Dennis to just leave her alone. Dennis dug in her heels, and asked Carlson why she was saying that she was afraid of Dennis. Bransford felt that if enough people think you are acting aggressively, you probably are. Bransford walked towards Dennis in a friendly manner with the intention of letting Carlson go around his back to her car. Dennis threw her arms up in the air in a swing. This startled Bransford who asked her if she was trying to hit him. Dennis got very heated. She said that everyone knows she uses her hands when she talks. He said that she startled him and that any reasonable person would have been startled by her swinging at them. She said she was not trying to hit him. He apologized and she continued to be heated. Then Dennis and Carlson started yelling at each other. Dennis told Carlson to shut up. Keane came out and took charge of the situation, told Dennis that they were going and walked her to her car.
- 8.4 Bransford analogized Dennis’ conduct to someone harassing a co-worker. It does not have to be intentional. It has to be reasonably perceived as harassing. Dennis [REDACTED] but her conduct goes past that. If Dennis does not like something, or someone disagrees with her, she takes it as a slight. She becomes angry and belligerent. Instead of accepting disagreement, she takes things too far and becomes aggressive. It is actually her behavior towards people that is the issue, [REDACTED]
- 8.5 The day of the censure, Bransford was out of town. He did not know the censure was coming. He learned about it when he asked for the link for the meeting and Carlson told him. He thought it was potentially a bad move, because of how Dennis reacts to things. She is more likely to dig in than to change.
- 8.6 Dennis misrepresents things. He will explained his position on an issue. Dennis will then turn it around in him and misrepresent what he said if his position differs from hers. That is not [REDACTED]

- 8.7 Bransford does not believe Dennis is being discriminated against because of [REDACTED]. He does not believe people are frustrated or take actions because of [REDACTED]. Bransford does not believe that any of the information in the censure, or the censure itself, was due to [REDACTED].
- 8.8 Bransford believes that Dennis' [REDACTED] may have contributed to her engaging in violations of the code of conduct, and that [REDACTED] leads her to believe that she is being discriminated against.
- 8.9 Dennis is filled with righteous indignation. People explain she is wrong about something that she is convinced of, or is overusing City resources, she gets upset and goes on a downward spiral. She will not accept that she cannot use resources as she feels like it. She perceives being told "no" as an attack and she attacks back and accuses the City of discrimination. This is not due to [REDACTED]. This is just her personality and just some vindictive comments and actions.
- 8.10 Bransford reviewed the July 20, 2022 document that was given to Dennis communication guidelines. (*Exhibit 4*). He already followed everything except that there was never any blocking of text messages. Bransford would never raise any personal grievances. Dennis does talk about her divorce, [REDACTED] and other personal issues repetitively, and grievances she cannot let go of.
- 8.11 Council members and City staff, including Bransford, have tried to help Dennis to follow the Council rules and procedures.
- 8.12 Dennis has raised the issue of frequent flyer miles. [REDACTED] and no laws have been violated. Bransford felt that saying at a Council meeting that the City was breaking the law [REDACTED] has nothing to do with [REDACTED]. It is just inappropriate. The censure has nothing to do with her raising the frequent flyer issue. She has been yelling at people prior to raising the frequent flyer miles.
- 8.13 Dennis told Bransford that she had an issue with how the owner of a homeless shelter was handling something and that she yelled out the window at him. He knew she was a Council member. When she does not get her way, she shouts.
- 8.14 Pulling an item from the consent agenda is the last thing a Council member should do. He sends emails asking questions so he can get the information so he can avoid pulling an item. If he does not feel he has the answer, he will pull it so that they can discuss it fully.
- 8.15 Dennis is now pulling agenda items just to be vindictive. She is dragging out the meeting to give herself a soapbox. She starts talking about things other than the

agenda item she pulled, which proves that she pulled the item without a legitimate reason.

8.16 Gaslighting is her favorite word. She will say that someone is gaslighting her when they disagree with her.

8.17 Bransford has [REDACTED] and [REDACTED]. Palmer and Kirkpatrick have [REDACTED]. He is offended by Dennis' statements that the City is insensitive to [REDACTED] or discriminates.⁶

9. Brooke Carlson, Council President

Brooke Carlson was interviewed on April 19, 2023 regarding Molly Dennis' complaint of discrimination. Carlson stated the following:

9.1 She has been Council President since January 2021. She did not know Dennis before she was on the Council. When she first met Dennis, her impression was that Dennis was a passionate voice for the community and that they shared some of the same ideas.

9.2 Dennis would have long conversations where she would share a lot of personal information. Carlson talked to Dennis about communication style, and how the message can get buried.

9.3 Dennis was on vacation in 2021 and she was having a personal crisis. She called Carlson for support. It was not Carlson's role to be Dennis' support network. Carlson had to set some boundaries with her. Dennis also contacted City Administration.

9.4 Dennis would give Carlson notes following meetings. The notes would start out flattering but then would go on to criticize. They got more and more uncomfortable. Carlson was concerned about how Dennis was advocating, not the subject of the advocacy. Dennis would bring up a topic, it would be discussed, it would not go her way, and she would become aggressive. One example was Dennis saying, when the Council did not agree with her proposal, that the Council was "literally killing people." Dennis would bring the same issue up over and over again. If she did not get her way, she would harp on it. This would build up tension.

9.6 By 2022 all meetings were in-person. Carlson at times would have to gavel Dennis down because she was out of control. Then Dennis would start texting her.

[REDACTED]

Sometimes this would start during the meeting. Sometimes Dennis would text her in the middle of the night.

- 9.10 Carlson offered to meet with Dennis each month for 30 minutes to discuss Ward 6 specific business, but no personal issues. They had a couple of meetings, but Dennis did not seem interested in scheduling meetings that were limited to just City business.
- 9.11 Dennis was upset that people were not listening to her. She quoted “you can’t shake hands with a closed fist.” Dennis was not open to discussion, she just talked. Carlson told her that by saying her colleagues were literally killing people that she shut down dialogue. Dennis would bring up issues that were not on the agenda and then be upset that no one wanted to discuss it. She raised no-knock warrants at the Council, which was not on the agenda because it was a cross-jurisdictional issue with the City and County. The Police Chief asked her not to raise it. Nevertheless, Dennis went on a rant claiming that they were “literally killing hundreds of children.” There was no point in talking to her if she does not listen.
- 9.12 Dennis talks about herself all the time. She yells at Carlson about [REDACTED] She brings it up all the time. [REDACTED]. They must be able to conclude an item for the benefit of the public participating in a meeting.
- 9.13 An item about diversity, equity and inclusion training for staff was on the consent agenda. Dennis pulled it so that she could talk about [REDACTED] [REDACTED] Staff had to stay at the meeting until after 10:30 p.m. to answer questions.
- 9.14 She frequently keeps everyone at Council meetings late for irrelevant issues, which is wasteful of time. Staff have to stay late. She is not respectful of others’ time. She cares about [REDACTED] but is not respectful of the health and wellbeing of her colleagues and City staff.
- 9.15 Dennis complained about conference travel. She has brought this up again and again. Dennis used \$9k of the \$14k of the Council’s travel budget. The budget was amended so that each Council member has \$3,500 so it is fairly distributed.
- 9.16 She has talked Dennis through the Council Code of Conduct. Dennis being off topic has gotten worse and she has had to take action as Council President to get things back on track more often.
- 9.17 Dennis is insulting to her colleagues. “Unlike my colleagues I attend conferences to learn to advance my knowledge...” Carlson does not go to state or national

conferences because she does not want to be at a conference with Dennis. Carlson can also do things to learn locally or for free.

- 9.18 Carlson has assisted Dennis in making motions that were unclear. There has to be a clear motion on the table. She did not believe she said “repeat after me.”
- 9.18 Dennis sends texts to Carlson. Carlson does not respond to Dennis’ texts. One recent text to from Dennis was because the study session went over by fifteen minutes. It went over because Dennis kept walking out because she was upset. She asked for a break five minutes before the end of the meeting, which was declined. She then sent a text saying she had to go home and take her kids to a sitter because she could not leave them alone because they were in danger due to the censure. She regularly tells the Council members that her kids are potentially going to die because of the censure.
- 9.19 In 2022, Carlson and Kirkpatrick were having a personal conversation in the parking lot about something difficult going on Kirkpatrick’s life. Dennis was hanging around and finally just stepped in and interrupted them. Kirkpatrick got fed up, got in her car, and left. Dennis was complaining that Palmer made a motion to adjourn while Dennis was still talking. Carlson told Dennis to let it go. Dennis continued to complain about how she felt she had been treated. Kirkpatrick, who had gotten into her car, drove back up, got out of her car, and told Dennis that she had interrupted a personal conversation that Kirkpatrick was having with Carlson and that it was not okay for Dennis to have done that. Kirkpatrick was not yelling but speaking firmly to Dennis. Dennis just blew up. Dennis went to her car, yelled out the window at both of them, and peeled her car out of the parking lot. Kirkpatrick and Carlson were both shocked. Dennis then sent a bunch of texts berating Kirkpatrick and falsely placing the blame on Kirkpatrick. She claimed it was all on camera, and falsely claiming that Kirkpatrick was the one doing the yelling. When Dennis talks about it now, she has completely turned the facts around.
- 9.20 The February 27, 2023 meeting at the Plummer House was a retreat. Dennis was upset that the meeting was not broadcast. The Council did an exercise on paper regarding their priorities. It was just their initial thoughts. Dennis got overwhelmed. Instead of just calmly asking for more time, she attacked. She was yelling at Administration in front of the public. She said she was going to sue the City, [REDACTED] Dennis was out of control. The exercise was preliminary. Dennis was told she could submit hers the next day.
- 9.21 At the end of the February 27 meeting, Dennis was very upset. She was hovering. Carlson told her “Molly, you are scaring me.” Zelms told her she should just

leave. Carlson told her to please just go. Dennis did not leave. She walked out to the entrance and stood in the doorway. Carlson told them she did not want to go outside because Dennis would just yell at her in the parking lot again. Bransford said that he would walk Carlson to her car. Dennis followed them. She was yelling and crying, saying no one understands what it is like [REDACTED] no one stands up for her, and how dare Carlson say that she stands for DEI when she does not stand up for Dennis. Bransford walked towards Dennis in a non-aggressive manner, telling her that she should just go home to her family. Dennis jerked her arms down and jumped and started screaming. Bransford said that he thought she was going to hit him. Dennis was yelling. Carlson told her to just go home. Carlson was scared and felt Dennis was unstable. Dennis was following and blocking her path, preventing her from getting to her car. That was the physical intimidation. Dennis was saying that Carlson did not understand her life and that she would never hurt Carlson. Keane came out and approached Dennis, and walked Dennis to her car, allowing Carlson to get to her own car.

- 9.22 A week passed, and Carlson received an email from Dennis right before the Council meeting. It happens often that Dennis saves her really mean emails until right before a meeting to throw Carlson off. The one on March 6 was a terribly inappropriate email. It upset Carlson so much she almost was unable to go to the meeting. She felt abused by Dennis. Dennis then forwarded the email to the media. The information was not Dennis' to share, as it contained private information about Carlson in it. Dennis also minimized Carlson's issues.
- 9.23 The censure was drafted by Keane and Parrish. She just gave some feedback to Aaron Parrish on the draft. It probably would have helped to have had some clarifying language up front about what virtual means, and what some of the other terms mean. The Police Chief provided coaching on introducing the censure without advance notice due to safety concerns involving third parties.
- 9.24 Since the censure, Dennis has included Carlson on very angry emails about illegal actions, character assassination, suing the city, discrimination, ruining her life, [REDACTED], and that residents of Ward 6 are filing a class action.
- 9.25 Carlson does not believe that any adverse action has been taken against Dennis [REDACTED] Carlson and Dennis vote the same on most issues and she wants Dennis to be successful.
- 9.26 Dennis claimed that Carlson let a meeting go too long, [REDACTED]

9.27 Carlson has had to redirect Dennis when she gets off topic to help pull out the key messages. She can get up and get water and call her kids without taking a Council break. Carlson does not believe that [REDACTED] causes Dennis to be abusive towards her colleagues and staff and take up excessive amounts of time and resources from taxpayers.

10. Patrick Keane, Councilmember

Patrick Keane was interviewed on April 19, 2023 regarding Molly Dennis' complaint of discrimination. Keane stated the following:

10.1 He became a Councilmember in January 2019. Most of the meetings in 2021 were virtual, so he did not really get to know Molly Dennis until 2022.

10.2 Dennis has not been discriminated against. She has not been treated unfairly. People do not want to deal with her. She is difficult to deal with. She seems to have had a hard life and is mad at the world. When someone does not agree with her, she strikes back. It is difficult to close anything with her. She will ask for an example, and he gives her two. She says those examples do not count and asks for more. It is frustrating. Staff view her conduct as badgering.

10.3 In 2022, there was a proposal to amend the Code of Conduct and the Council Rules. Keane felt that this was a reaction to Dennis' conduct, because she makes meetings so inefficient. He was opposed to it. Rules should not be based upon the conduct of one person. He felt that they should only change the Code or Rules to benefit the overall efficiency of the Council. The Council Initiated Action passed 4-3. They would need a 5-2 vote to change the Code and Rules.

10.4 Dennis was making meetings inefficient. She wanted to do the budget department by department. The Council said no, that is not how they do it or wanted to do it. The next time the budget came up, she would raise it again, saying she wanted to go department by department, and the Council would have to say no again. She would not stop. There were other things that were not City business that she would bring up in "other business" like Ukraine. She would want staff to bring back information and ask staff when they would have it back to them. She acted like an executive when the Council had not authorized staff to act. She was directive to staff when she did not have authority to be directive.

10.5 Keane attended the February 27 meeting at the Plummer House. Dennis wanted to record the meeting. At the end of the meeting, the Council members were asked to identify their priorities. Dennis [REDACTED] and was really upset. She lashed out at Zelms. Keane saw Dennis leave. He was in the hallway talking to Palmer. Carlson left and someone else also left. Then he heard an argument coming from

the parking lot and screaming. Carlson was outside by the door. Dennis and Bransford were a little further away from the door. Dennis was saying things to Carlson and Carlson felt she could not get past Dennis. Keane asked Carlson to take his arm and he walked Carlson to her car. Carlson kept telling Dennis to leave her alone and Dennis kept asking her why she was saying or doing things. The end of the discussion was Dennis saying that she never physically intimidated Carlson and Carlson saying there can be emotional intimidation. He and Carson walked within 10 feet of Dennis but got to Carlson's car and Carlson drove away.

- 10.6 He and Dennis ended up talking in the parking lot. He told Dennis that just because she did not mean to physically intimidate someone does not mean they did not feel that way. He told her that if other people are interpreting it that way, she has to understand that. Her intentions alone do not negate other people's feelings.
- 10.7 In 2022, those that might have wanted a censure thought he would not support it. In Keane's mind, he felt the trouble started in December when they were trying to finalize the budget. Dennis would not close it and wanted to keep talking about education spending. She made a comment that Kirkpatrick valued education and agreed with her. Kirkpatrick got upset and told Dennis not to speak for her, that she could speak for herself. Keane saw relationships deteriorating. Nick Campion, who was leaving the Council, told Keane that he was enabling Dennis. Keane reached out to Dennis and told her that he would help her with her goals, as she was not getting anything done because her relationships were deteriorating. Keane had a conversation with Aaron Parrish in early January and asked how things were going with key staff. Parrish said that they were not going well. Keane did not like the idea of staff reprimanding elected officials, as that was the responsibility of Council. By then, he felt something should be done.
- 10.8 There was an issue in December 2022 that Dennis wanted to have continued to the next meeting so that they would have more time to consider it. She made a motion, and she could not get a second. A few seconds later, Palmer made the same motion and it passed 7-0. Keane told Dennis that as an individual Council member she could not get anything done. He tried to go through this with her and explain to her that she needed to have relationships and persuasiveness to get people on her side. She has alienated her peers. She goes off on tangents not related to the issue and people have stop listening to her. He did not refuse to second her motion based on [REDACTED]
- 10.9 The censure is not because of her positions or how she votes. It is because of two issues. The first is her waste of staff time and never getting to closure on an issue. She will not accept an answer, or the information provided and just goes from

person to person looking for a different answer. The second is the reputational risk of Dennis badmouthing the City.

- 10.10 Keane worked on the censure with Aaron Parrish. He was aware of three other censures. This was different because it had operational constraints. The constraints were meant to deal with the waste of staff time. It was being put together and he did not see a draft until Saturday. The idea was that it would be introduced as an amendment to the agenda at the meeting. It was the only way to have it come before the Council and the public at the same time. He was not advised by the Police Chief to wait until the meeting to tell Dennis about the censure. He could not talk to Dennis about it because he had already talked to two Council members, and he felt it would be an Open Meeting Law issue to talk to Dennis about it.
- 10.11 He did not know if the censure would make things better or worse. She has dug her heels in and interprets it in the most draconian way possible. She interprets it as not being able to attend meetings where staff may be present, rather than contacting staff and asking questions. That was not the intent of the censure. She says staff cannot clarify and wants Council to re-open the issue to formally clarify or modify it.⁷ The censure has not made meetings more or less efficient. Things have improved with staff, as she is not sending emails or contacting them.
- 10.12 With respect to the list of examples (*Exhibit 8*) related to the censure, Keane said that he fought against specifics. The censure was not a court case where they are making charges that have to be proven. It was the judgment of the Council regarding Dennis' conduct. At some point City staff felt that Dennis was asking for examples and felt that it was necessary to provide them. Keane was aware of some of the items. The censure was the culmination of over two years, not one issue.
- 10.13 Dennis' behavior does not bother Keane personally. Keane took action because of how her conduct affected staff. This was not about [REDACTED] It was because she gets mad when she does not get her way. When she feels she is not being taken seriously, she becomes combative.

⁷ The Council has formally clarified the censure since the interview with Keane.

1.4 The Councilmembers and staff interviewed recognized the burden on staff as well as the public in extending meeting times. Notably, members of the public attend Council meetings to speak on or listen to agenda items that they are interested in. The Council made a determination as an elected body, in conducting public business, to take breaks every 90-120 minutes between agenda items out of respect for members of the public. It is reasonable for the Council to conclude that stopping meetings every hour would unduly burden the public and staff. [REDACTED]
[REDACTED]

1.5 Dennis has made statements regarding additional needs that she has related to [REDACTED]. For example, at the February 27, 2023 meeting at the Plummer House, she stated that [REDACTED]
[REDACTED]
[REDACTED]. Her request [REDACTED] was not reasonable.

1.6 [REDACTED]
[REDACTED] She has provided [REDACTED] related to her contention that [REDACTED], or how they relate to [REDACTED]. She does send numerous text messages and long emails. Absent a [REDACTED] as to how a [REDACTED] relates to her request, the City has not failed [REDACTED].

1.7 Dennis said that she is a [REDACTED] and that any restrictions on [REDACTED] interferes with her ability to perform her duties. Dennis has not provided any documentation of a need for this type [REDACTED] therefore the City cannot have failed [REDACTED]. Moreover, [REDACTED] laws allow for different ways in which to [REDACTED]. While an individual's preference will be taken into account, the City may determine that [REDACTED] are appropriate in the event that Dennis is [REDACTED]
[REDACTED]

2. The allegation that the March 6, 2023 Censure Resolution constituted discrimination on the basis of Dennis' [REDACTED] **is not substantiated.**

2.1 Dennis has stated her belief that that the Censure Resolution was not warranted and was the result of the [REDACTED] and make the censure discriminatory.

- 2.2 The EEOC, Department of Justice and the Department of Labor's [REDACTED] all recognize that under [REDACTED] the same standards of behavior can be expected of all individuals in work settings,⁸ even those [REDACTED].⁹ However, [REDACTED] to help the individual meet the behavior and conduct standards.
- 2.3 Dennis has not [REDACTED] in complying with the City's Rules of Procedure or Code of Conduct. Although she did not [REDACTED], individual Councilmembers have reached out to Dennis to offer her advice on how to be more effective. City staff have also met with Dennis throughout her term in office to assist her in being effective in her role. In July 2022, Zelms and Spindler-Krage met with Dennis to set parameters for productive future communications and provided her an outline for doing so. *Exhibit 4*. This meeting was held within a month after Dennis' disruptive conduct at the League of Minnesota Cities Conference in Duluth.
- 2.4 Council Rules of Procedure state that the Council should "conduct business in a civil, efficient, and cooperative manner with other members of the council and city staff."
- 2.5 The Council has the authority to issue a censure, which is simply an expression of disapproval by the governing body. Pursuant to Minn. Stat. § 412.191, subd. 2, the City Council has the power to preserve order and regulate its own procedure.
- 2.6 The Censure Resolution states that Councilmember Molly Dennis' conduct and interactions with fellow elected officials and City staff has been an ongoing and persistent concern. This is **substantiated**. There is clear and convincing evidence that Dennis has engaged in repeated and ongoing disruptive behaviors. Some examples include:
- 2.6.1 Multiple Councilmembers, the Council President, Mayor, City Administrator and City Attorney have stated that Dennis yells on frequent occasions. She has repeatedly raised her voice or yelled in public settings.

⁸ Dennis is not an employee. However, there is little guidance for elected officials and therefore this Investigator is relying on the higher standard used for employees.

⁹ Disruptive behavior may be displayed as ongoing uncooperative, defiant, and hostile actions that impacts a person's ability to function on a daily basis. Disruptive behavior can interfere with the operation and flow of the workplace or public service. It may hinder or prevent individuals from carrying out their responsibilities. [REDACTED]

- 2.6.2 Multiple Councilmembers, the Council President, and City Administrator have stated that Dennis has raised her personal problems, divorce and child custody issues during meetings and discussions regarding City business, on an ongoing basis.
- 2.6.3 Multiple Councilmembers, the Council President, and City Administrator have stated that Dennis has raised personal grievances against City staff and Council colleagues during meetings on City business, on an ongoing basis.
- 2.6.4 Multiple Councilmembers, the Council President, and City Administrator have stated that the Council will address and issue, the matter will be resolved by the Council and if it does not go Dennis' way she will return to the issue again and again and will not move on.
- 2.7 The Censure Resolution states that Councilmember Molly Dennis' elevated and unproductive behavior was particularly evident during and after the February 27, 2023, City Council Study Session. This is **substantiated**. This finding is based upon the evidence obtained during the investigation, including but not limited to the following:
- 2.7.1 Zelms, Palmer, Carlson, Wahl and Bransford all stated that Dennis alleged that the meeting was in violation of the Open Meeting law because it was not being recorded and streamed, and that the City was breaking the law. The Open Meeting law does not require that regular open meetings be audio or video recorded, or streamed. Dennis herself acknowledged she may have used the term "Open Meeting Law" when she meant the Transparency Act. Dennis acknowledged that the Transparency Act was not a law or ordinance.
- 2.7.2 Dennis was agitated during the meeting over the fact that it was not being streamed, and accused City administration and the Council of not caring about [REDACTED] Wahl referred to Dennis' conduct as "openly hostile."
- 2.7.3 Zelms, Palmer, Kirkpatrick, and Keane all stated that Dennis was given [REDACTED]. Dennis was not satisfied with this, [REDACTED] and became angry and agitated when people started to leave.

- 2.7.4 Dennis' inappropriate, aggressive behavior leading up to the incident in the parking lot of Plummer House is attested to by Bransford, Zelms, and Carlson.
- 2.7.5 Bransford, Zelms and Carlson all stated that Dennis was upset and approached Carlson at the end of the meeting in an agitated manner. Zelms told Dennis to go home. Carlson told her to leave her alone, and said "Molly, you are scaring me." Carlson was afraid to leave because she thought that Dennis was waiting to confront her again. Bransford offered to walk Carlson to her car.
- 2.7.6 Bransford and Carlson went into the parking lot together. Bransford stated that Dennis was in the parking lot and that she slowed down and waited for them. Dennis confronted Carlson again, raising her voice. Bransford tried deescalating the situation. He walked towards Dennis to speak to her, with the intention of allowing Carlson to get to her car. Both Carlson and Bransford stated that as Bransford walked towards her, Dennis threw her arms up in the air in a swing and started screaming. This startled Bransford who asked her if she was trying to hit him. This caused Dennis to become even more angry and upset. Carlson stated that she was scared, and that Dennis was following her, blocking her path, and preventing her from getting to her car, which was physical intimidation. This was corroborated by Keane, who said that Dennis was saying things to Carlson, who felt she could not get past Dennis.
- 2.8 The censure resolution states that Councilmember Molly Dennis' unwillingness to respect personal boundaries, along with persistent verbal intimidation toward staff and elected officials is not in alignment with creating a positive and respectful workplace. This is **substantiated**. This finding is based upon the evidence obtained during the investigation, including but not limited to the following:
- 2.8.1 See above, 2.7.2, 2.7.3 and 2.7.5 and 2.7.6.
- 2.8.2 Zelms, Spindler-Krage, and Carlson all provide examples of Dennis sending lengthy emails and texts of a personal nature, raising personal grievances and sending messages at night and on weekends. Kirkpatrick stated that she was pressured by Dennis into walking outside in cold weather without proper clothing resulting in frostbite. Dennis sent an email to Carlson which Dennis describes as "calling her out" just before a Council meeting, addressing Carlson's [REDACTED] and disclosing it to other people, including the media.

- 2.9 The censure resolution states that Councilmember Molly Dennis' has engaged in intimidating physical behaviors and escalated physical behaviors during times of disagreement. This is **substantiated**. This finding is based upon the evidence obtained during the investigation, including but not limited to the following:
- 2.9.1 Norton said that Dennis gets up in people's faces and throws her arms around.
- 2.9.2 On several occasions Carlson has asked for an escort to her car due to Dennis waiting for her in the parking lot. Carlson has been intimidated by Dennis due to Dennis being verbally aggressive while physically approaching Carlson, waving her arms and shouting.
- 2.9.3 See above, description of Plummer House parking lot incident, 2.7.6.
- 2.9.4 Dennis demanded to meet with Zelms at the LMC conference in Duluth, although their check-in meeting for that week had been postponed. Dennis sent ten text messages to Zelms regarding Zelms attendance at the conference and demanding to meet with her without any subject for a meeting. Zelms was unavailable as she was giving a presentation and attending other sessions.¹⁰ During a conversation Zelms was having with several other people Dennis was pacing back and forth nearby, and when the conversation was over Dennis approached Zelms and said that they should meet then. Zelms had a session to attend in five minutes and told Dennis she could not meet. Dennis told Zelms that she was going to get an attorney and get LMC involved. Three or four different people throughout the day approached her to tell her Dennis was trying to find her. Zelms felt threatened and as if she was being stalked at the conference.
- 2.9.5 During a meeting with Zelms and Spindler-Krage on July 20, 2022, to discuss the Rules of Procedure and Code of Conduct, Dennis became upset, angry and was crying. Spindler-Krage stated that she was physically agitated and waving her arms, which placed him on alert. The meeting ended after ten minutes. As Zelms and Spindler-

¹⁰¹⁰ Dennis made various comments in text messages that Zelms' attendance was wasteful. However attendance at conferences is Zelms' right under the provisions of her employment contract.

Krage were leaving and saying goodbye to Dennis' friend who had attended the meeting, Dennis jumped up out of her seat. Spindler-Krage moved between Dennis and Zelms. Dennis pushed the door shut, thereby pushing Spindler-Krage against Zelms.

2.10 The Censure Resolution states that Councilmember Molly Dennis' has engaged in ongoing inflammatory and unfounded allegations against Council colleagues and City staff, including but not limited to the City Administrator and City Attorney. This is **substantiated**. This finding is based upon the evidence obtained during the investigation, including but not limited to the following:

2.10.1 Dennis has repeatedly claimed that Zelms and/or the City is "under investigation" in relation to frequent flyer miles. [REDACTED]

[REDACTED] No miles have been lost to the City. Dennis has persisted in raising this issue, with no evidence that frequent flyer miles are transferrable. She originally claimed that hundreds of thousands of dollars, subsequently amended to tens of thousands of dollars, had been lost or stolen. She stated that Zelms was "under investigation" for "abuse of power." When asked who was conducting this investigation, Dennis could not identify any agency or other entity. She said that she had spoken to an elected official from the Twin Cities who she would not name, who was going to report this to a private investigator. She later amended this to it being reported to the news media. There is no evidence of any actual investigation being conducted by any person or entity.

2.10.2 Dennis has repeatedly stated that the City Council is violating Open Meeting Law (OML), including allegations that the February 27 meeting at the Plummer House was a violation of the law, which is not true. She has not identified any actual violations of the OML.

2.10.3 Dennis has repeatedly stated that the City and Councilmembers do not care about or understand [REDACTED] The City has policies and procedures in place to support [REDACTED] including employees and program participants. Further, several Councilmembers either have [REDACTED] themselves or have close family members with significant [REDACTED]. Several of Dennis' Council colleagues expressed that they were upset or offended by her claim that they did not care

about or did not understand [REDACTED]

- 2.10.4 Multiple Councilmembers, the Council President, City Administrator and City Attorney have stated that Dennis regularly uses the term “gaslighting” towards colleagues or staff. This term means manipulating someone using psychological methods into questioning their own sanity or reality. Dennis acknowledged that is not what she means when using the term and that she means that a person is making her feel less intelligent.
- 2.10.5 Multiple Councilmembers, and the Council President, City Administrator and City Attorney have stated that Dennis has accused the Council of “literally killing people” and that the Council and staff are “threatening her kids.”
- 2.10.6 Dennis admitted to stating that Council colleagues and City staff are engaged in “destroying democracy,” “intentionally harming Ward 6 residents,” “slander,” “defamation,” “harming her family,” “destroying her life,” “destroying her career,” “lying,” “targeting” her, “hating” her, and “degrading” her. She said that these words and phrases were in response to the censure.
- 2.11 The Censure Resolution states that Councilmember Molly Dennis’ has used excessive City time and resources. This is **substantiated**. This finding is based upon the evidence obtained during the investigation, including but not limited to the following:
 - 2.11.1 Zelms and Spindler-Krage stated that Dennis spends excessive amounts of time discussing her personal life, including her divorce, ex-husband, issues with her children, and [REDACTED] with City staff and Council colleagues. Some of the staff members are line staff who are not in a position to leave or discourage her from taking them away from their duties.
 - 2.11.2 Zelms stated that Dennis speaks to staff, asking questions about why things are occurring or not occurring or why certain actions were not being taken, when these staff are not responsible for the decisions, taking them away from their duties.
 - 2.11.3 Dennis made numerous calls and texts to arrange to stay another day in Kansas City when there was no City business be conducted,

taking staff time and resources. She was not a delegate to the convention and could not vote.

- 2.11.4 Dennis has raised the issue of frequent flyer miles numerous times, taking staff time and resources, even though [REDACTED] [REDACTED]. She has continued to raise this issue although she has provided no factual basis for her contention that any money has been lost to the City.
- 2.11.5 Dennis contacted Zelms, Spindler-Krage and Carlson regarding a personal crisis she had on vacation with her former campaign manager, asking for assistance. This was not City business.
- 2.11.6 Contrary to the Council Rules of Procedures and Code of Conduct, Dennis goes to staff directly and asks for information on issues that the Council has determined that it will not pursue.

City staff, including the direct employees of the council (the administrator and attorney), are not obligated to pursue items for only one council member. If a council member wishes to ask the city staff to work on an item, they must receive the consent of the council by either determining that there is little or no opposition during a meeting, by a majority vote of approval, or by submitting a formal CIA. *Exhibit 5, p. 14.*

Dennis' conduct in going directly to staff results in staff contacting supervisors and Department Heads, and intervention by Zelms to explain that the Council has not authorized work on Dennis' issue. This pattern repeats itself. Dennis herself stated that when she feels that people have not answered her questions, she does not feel she is harassing them by continuing to ask.

- 2.11.7 Council Rules of Procedures and Code of Conduct state that Council members submitting questions regarding items on the agenda by Thursday at 5:00 p.m. may expect a response from staff by end of business the next day, and that questions submitted on the weekend will be answered by noon on Monday. Dennis rarely submits questions in a timely manner. The Rules state that if a consent agenda item is to be pulled, the Councilmember is to give notice by 1 p.m. on Monday. Dennis regularly pulls agenda items

without notice, and without having submitted her questions in advance. *See Exhibit 5, p. 13.*

- 2.12 The Censure Resolution states that Councilmember Molly Dennis' has engaged in threatening and manipulative behaviors exercised toward City staff and elected officials. This is **substantiated**. This finding is based upon the evidence obtained during the investigation, including but not limited to the following:
- 2.12.1 Multiple Councilmembers, the Council President, Mayor, City Administrator and City Attorney have stated that Dennis yells on frequent occasions. She has repeatedly raised her voice or yelled in public settings.
 - 2.12.2 She has sent numerous text messages to Zelms and Spindler-Krage, arguing over issues and making demands. She badgered Zelms via repeated text messages as to why she was attending the LMC conference, where Zelms sat on the LMCIT Board and was speaking, stating that it was wasteful spending, and demanding to meet with Zelms despite their check-in meeting having already been postponed.
 - 2.12.3. When Dennis did not get an immediate response to a question she asked of Spindler-Krage, she sent her question to another attorney in the office who was not involved in the issue. When told this was not appropriate, as that attorney was not involved, she replied and included all of the attorneys in the office.
 - 2.12.4 Dennis sent emails to all department heads asking if any of the staff had complained about her. [REDACTED], she claimed the lack of response was proof that there were no complaints. This is untrue, as department heads are not answerable to her individually, and are unlikely to tell a Councilmember about a complaint against them by a staff member.
 - 2.12.5 When Spindler-Krage stated that Dennis name was not brought up at a specific ethics committee meeting, Dennis manipulated his statement by replying to the email thanking him for confirming that her name had never come up at the ethics committee. This placed Spindler-Krage in the position of either having to respond and disclose that she had a prior ethics complaint or allowing the false impression she had given to stand.

- 2.13 Dennis has stated her belief that the Council must prove each of the examples given by City Administration on March 20, 2023 in order for the censure to be valid, and if all of the Councilmembers were not aware of all of the examples at the time the censure was issued, the censure was in some way invalid. As set forth above, a censure is simply a statement of disapproval by the governing body. Moreover, the examples (*Exhibit 8*) were only provided because Dennis asked for them. The Council does not have to prove up the examples that Dennis asked for, not does it have to establish that each Councilmember was aware of each example when they voted on the Censure Resolution. The Censure Resolution stands alone as an action of the Council. *Exhibit 6*. Notably, however, Dennis did not refute many of the examples listed. *See Dennis interview summary, p. 9*.
3. The allegation that the restrictions that were placed upon her as part of the Censure Resolution and/or the July 20, 2022 memo were discriminatory **is not substantiated**.
- 3.1 The guidelines set forth in July 20, 2022 memo (*Exhibit 4*) are consistent with the City Council Rules of Procedure and Code of Conduct applicable to all Councilmembers. *Exhibit 5*.
- 3.2 The requirement that Dennis not have in-person meetings with staff for the remainder of 2023 is not discriminatory. It is a result of her disruptive conduct, as set forth in this report. There is no other Councilmember who has engaged in the same or substantially similar antagonistic behavior towards staff, particularly Zelms. The Council has a legitimate, non-discriminatory reason for placing limitations on how she interacts with staff.
- 3.3 City Council Rules of Procedure and Code of Conduct states: “City staff carry out the day-to-day business of operating the city. The council should keep this in mind when requesting information or asking to perform these functions. Generally, all interactions with staff members should flow through the city administrator.” The requirement that Dennis limit her meetings and communications with staff to Department Heads, the City Administrator, and the City Attorney, and that those meetings be related to City business is not discriminatory. Further, requiring communications with other City staff to be in writing and copied to the City Administrator is consistent with the Council Rules. The Councilmembers interviewed, other than Dennis, stated that they did not contact staff members directly without involving Zelms and then they typically only contacted Department Heads. Requiring Dennis to follow the same procedures as other Councilmembers is not discriminatory.

- 3.4 The City Council Rules of Procedure and Code of Conduct applicable to all Councilmembers state: “Members of the council shall be courteous in their language and demeanor in the discussion, comments, or debate of any matter, and shall not engage in disorderly behavior, make personal comments, derogatory remarks, or insinuations in respect to any other member of the council, staff, or public.” *Exhibit 5, p. 6, Rule 3C*. The provision of the Censure Resolution requiring Dennis to refrain from “continued negative interactions and behaviors, personal attacks, and inappropriate communications with the Council and City staff” is consistent with Rule 3C, which is applicable to all Councilmembers and therefore not discriminatory. Moreover, Dennis has engaged in the conduct violative of both Rule 3C and the Censure Resolution.

CONCLUSION

This investigation involves complaints raised by Councilmember Molly Dennis that the City failed to [REDACTED], that the March 6, 2023 censure was discriminatory, and that the limitations placed upon her by the censure were also discriminatory. This Investigator interviewed numerous witnesses during the course of the investigation. The Investigator also reviewed e-mails, text messages, and other documentation. The findings and conclusions set forth in this are based upon these interviews and documents.

In determining whether a finding is or is not substantiated, this Investigator utilized preponderance of the evidence standard, meaning a finding is only substantiated if this Investigator has concluded there is a greater than fifty percent chance that the finding is true based upon the evidence reviewed. This Investigator also weighs the credibility of witnesses based upon several factors including, but not limited to, the availability of corroborating evidence, the veracity of the witness statement as a whole, and other evidence supporting a witness statement.

The evidence gathered during the course of the investigation does not support a claim of [REDACTED] discrimination or [REDACTED]. While Councilmember Dennis’ conduct may be impacted by [REDACTED]¹¹, it is her actions themselves that led the Council and City employees to respond take reasonable steps to focus resources on City business.

This report is based upon information received during the course of the investigation. Information not contained and the issues not discussed in this report were either deemed irrelevant or outside the scope of the investigation. The Investigator

¹¹ Subsequent to her interviews, Dennis disclosed [REDACTED] to the City.

reserves the right to augment or modify this report in the event other information becomes available.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ann Goering". The signature is written in a cursive style with a large initial "A" and "G".

Ann Goering
June 9, 2023

EXHIBIT INDEX

- Exhibit 1 April 20, 2021 Letter [REDACTED]
- Exhibit 2 August 31, 2022 Letter [REDACTED]
- Exhibit 3 Accommodation Letter to Dennis from Parrish
- Exhibit 4 July 2022 Memo on Guidelines
- Exhibit 5 Council Procedures and Code of Conduct
- Exhibit 6 Censure Resolution
- Exhibit 7 March 20, 2023 Statement of Alison Zelms
- Exhibit 8 March 20, 2023 Examples of Items References in Censure

RRM: 509785