

EXCELSIOR FIRE DISTRICT BOARD MEETING MINUTES

12:00 p.m., Wednesday, March 11, 2026

Deephaven City Hall
20225 Cottagewood Road
Deephaven, MN 55331

CALL MEETING TO ORDER: Board Chair, Jennifer Gallagher, called the Board Meeting to Order at approximately 12:03 p.m.

BOARD MEMBERS PRESENT: Chair Jennifer Gallagher; Board Member, Jennifer Caron; Board Member, Tony Jewett; Alternate Board Member, Adam Jennings

VIRTUAL APPEARANCE: Board Member, Dustin Maddy (travel); Ex Officio Board Member, Tom Fletcher (travel)

EX OFFICIO BOARD MEMBERS PRESENT: Chair Dan Madsen, Board Member, Marc Nevinski;

ABSENT: Ex Officio Board Member, Kristi Luger

STAFF: Fire District Attorney, Joshua Dorothy (virtually); Fire Chief, Curt Mackey

OTHERS: Attorney, Tim O'Connor; Attorney Allison Andersen

Board Chair, Jennifer Gallagher, reconvened the meeting to order at approximately 12:03 p.m. Operating Committee Chair, Dan Madsen, again asked Chief Mackey and his attorney, Tim O'Connor, if they wished to have the meeting open to the public. Chief Mackey and Attorney O'Connor affirmed their intent to have the meeting closed to the public.

Operating Committee Chair Madsen explained that the meeting was being reconvened pursuant to Minn. Stat. 13D.05, Subd. 2(b) to review an investigation report and consider allegations or charges against an individual subject to the authority of the Fire Board.

Motion was made by Alternate Board Member Jennings, and seconded by Board Member Jewett, to enter into closed session as presented. Motion carried by unanimous roll-call vote: Caron, Aye; Jewett, Aye; Jennings, Aye; Maddy, Aye; Gallagher, Aye. The Fire District Board entered into Closed Session at approximately 12:05 p.m.

Motion was then made by Alternate Board Member Jennings, and seconded by Board Member Caron, to exit Closed Session. Motion carried by unanimous roll-call vote: Caron, Aye; Jewett, Aye; Jennings, Aye; Maddy, Aye; Gallagher, Aye. The Fire District Board entered into Open Session at approximately 7:13 p.m.

Operating Committee Chair Madsen announced the open meeting and various members of the Excelsior Fire Department and general public entered Council Chambers. Madsen stated that the Board had reviewed seven findings made by Investigator Soldo in the Investigation Report related to the performance and conduct of Fire Chief, Curt Mackey. The first item discussed was Subfinding 1, whether discipline may be warranted on the finding that Chief Mackey did not request or receive Fire Board authorization to participate in the Relief Association and receive additional compensation for working duty shifts plus receiving annual Relief Association pension benefits. After discussion and review, Motion was made by Jennings, and seconded by

Gallagher, finding discipline may be warranted. Motion carried by majority vote: Caron, Aye; Jewett, Nay; Jennings, Aye; Maddy, Nay; Gallagher, Aye.

The second item discussed was Subfinding 2, that Chief Mackey did not timely inform the Fire Board of an invoice in the amount of \$51,409.57 for Fire Engine 11 manufacturing change orders. After discussion and review, Motion was made by Jennings, and seconded by Caron, that discipline may be warranted. Motion carried by majority vote: Caron, Aye; Jewett, Nay; Jennings, Aye; Maddy, Nay; Gallagher, Aye.

The third item discussed was Subfinding 3, that Chief Mackey did not timely inform the Fire Board of the Engine 21 crash that resulted in significant damage and rendered the engine out of service. After discussion and review, Motion was made by Caron, and seconded by Jennings, that discipline may be warranted. Motion carried by majority vote: Caron, Aye; Jewett, Nay; Jennings, Aye; Maddy, Nay; Gallagher, Aye.

The fourth issue discussed was the finding on Issue 3, which was determined by Motion from Jewett, seconded by Maddy, that no discipline was warranted. Motion carried by unanimous vote: Caron, Aye; Jewett, Aye; Jennings, Aye; Maddy, Aye; Gallagher, Aye.

The fifth issue discussed was the finding on Issue 4, that Chief Mackey had knowledge of, and did not act, in accordance with Excelsior Fire District Personnel Handbook Section 5.15 entitled "Harassment Prevention," to address multiple verbal reports personnel made to him over a period of approximately three years regarding perceived disrespectful and disparate treatment based on gender. After discussion and review, Motion was made by Jennings, and seconded by Gallagher, that discipline may be warranted. Motion carried by majority vote: Caron, Aye; Jewett, Nay; Jennings, Aye; Maddy, Nay; Gallagher, Aye.

The sixth issue discussed was the finding on Issue 5 that Chief Mackey initiated and supported behavior by some Excelsior Fire District personnel as prohibited religious and race-based discrimination. After discussion and review, Motion was made by Jennings, and seconded by Caron, that discipline may be warranted. Motion carried by unanimous vote: Caron, Aye; Jewett, Aye; Jennings, Aye; Maddy, Aye; Gallagher, Aye.

The final issue discussed was the finding on Issue 6, which was determined by Motion from Jewett, seconded by Maddy, that no discipline was warranted. Motion carried by unanimous vote: Caron, Aye; Jewett, Aye; Jennings, Aye; Maddy, Aye; Gallagher, Aye.

Motion was then made by Jennings, and seconded by Caron, that all of the items found that may warrant discipline, are affirmed and do warrant discipline. Motion carried by majority vote: Caron, Aye; Jewett, Nay; Jennings, Aye; Maddy, Nay; Gallagher, Aye.

The Fire Board held a discussion regarding a path forward and reviewed potential dates for the continuation of the disciplinary hearing. After additional discussion and review, Motion was made by Jennings, and seconded by Caron, to direct the Operating Committee to bring forward recommendations for disciplinary actions commensurate with the findings made by the Board for consideration at a disciplinary continuation hearing to be scheduled in April before the regular

April Fire Board Meeting. Motion carried by unanimous vote: Caron, Aye; Jewett, Aye; Jennings, Aye; Maddy, Aye; Gallagher, Aye.

Motion to adjourn was then made by Jewett, and seconded by Jennings. Motion carried by unanimous vote: Caron, Aye; Jewett, Aye; Jennings, Aye; Maddy, Aye; Gallagher, Aye, and the Loudermill phase of the disciplinary hearing was adjourned at approximately 7:42 p.m.

Respectfully submitted this 13th day of May, 2026

Dan Madsen

City Administrator / Special Counsel

Deephaven, Minnesota

Excelsior Fire District Board Meetings are video recorded and available for viewing as allowed by Minnesota Statute. Meeting minutes are intended to be a general synopsis of the meetings of the Fire District Board, and after being approved by the Fire District Board are the official record of the meeting. However, more detail regarding discussions and policy considerations may be available by watching the recording of the meeting.