

MONONA CITY COUNCIL MINUTES
December 17, 2012

The regular meeting of the Monona City Council was called to order by Mayor Miller at 7:31 p.m.

Present: Mayor Robert Miller, Alderpersons Kathryn Thomas, Jim Busse, Doug Wood, Chad Speight, Mary O'Connor, and Brian Holmquist

Also Present: City Administrator Patrick Marsh, City Attorney William Cole, Aldo Leopold Executive Director Paul Houseman, Executive Secretary Leah Kimmell, Detective Lieutenant Sara Deuman, and City Clerk Joan Andrusz

ROLL CALL AND PLEDGE OF ALLEGIANCE

Mayor Miller requested a moment of silence in honor and memory of the 6 adult and 20 child victims of the Newtown, Connecticut Sandy Hook Elementary School shooting last Friday.

APPROVAL OF MINUTES

A motion by Alder Thomas, seconded by Alder Busse to approve the City Council minutes of December 3, 2012, was carried.

APPEARANCES

The following individuals who work at 851 Femrite Drive registered in favor of Option 1 in Section D Overtime, which would count leave hours as hours worked, in the revised Personnel Policy manual:

- Bob Jacobs
- Jeffrey Johnson
- Ron Hoffman
- Floyd Kessler
- Andrew Perry
- Jim Gunderson
- Matt Kunz

The following individuals who work at 5211 Schluter Road registered in favor of Option 1 in Section D Overtime, which would count leave hours as hours worked, in the revised Personnel Policy manual:

- Dan Stephany
- Sara Deuman
- Walter Ostrenga

PUBLIC HEARING

There was no Public Hearing.

CONSENT AGENDA

A motion by Alder Wood, seconded by Alder Thomas to take the first item under the Consent Agenda out of order for discussion as New Business, was carried.

A motion by Alder Wood, seconded by Alder Speight to approve 2012/2013 "Class A" Liquor License Application For Kwik Trip, Inc., d/b/a Tobacco Outlet Plus #531, 6300 Monona Drive, Suite 2, Monona, Wisconsin, 53716, Agent Judith A. Crusan, 1525 Fairview Drive, Prairie du Sac, Wisconsin, 53578, was carried.

NEW BUSINESS

Mr. Houseman clarified the premises to be covered by the license for their event. The service area is in a partitioned section of the far left wing of the older portion main classroom space, which has no ingress or egress. There is a two drink ticket limit. The goal is to attract adults to participate. The Center has managed many alcohol events successfully. Mayor Miller asked for Mr. Houseman's history with the Center, and Mr. Houseman stated the ALNC wants to keep and enhance its relationship with the City.

A motion by Alder Wood, seconded by Alder Thomas to approve the 2012 Temporary Class "B" Fermented Malt Beverage and "Class B" Wine Retailer's License Application For The Aldo Leopold Nature Center, President Kathe C. Conn, 12003 West County M, Evansville, Wisconsin 53536, For The Period Of December 20, 2012, was carried.

Alder Thomas clarified with City Attorney Cole that the Consent Agenda should be noticed as "approval of" or "denial of" a given license application, as action items are labeled for "consideration". City Clerk Andrusz will make this change going forward.

UNFINISHED BUSINESS

City Administrator Marsh and Executive Secretary Kimmell reviewed changes in the Personnel Policy Manual from the last meeting. Discussion followed on the following sections:

Page 12, Section D: Overtime: Executive Secretary Kimmell suggested a change from "hourly employees" to "non-exempt full time employees". Detective Deuman clarified the Dispatcher schedule and overtime in excess of their set schedules. Language provided by Police Chief Walter Ostrenga regarding non-conventional schedules was considered for addition. Option 1, to include leave time as hours worked, was preferred.

A motion by Alder Busse, seconded by Alder Thomas to amend Section D: Overtime as follows (amendments are underlined), was carried:

"Full time non-exempt employees shall be eligible for overtime pay at the rate of time and one-half for all hours worked in excess of eight (8) hours in a day and forty (40) hours in a given workweek. For those employees who do not work a conventional 40 hour workweek (Monday - Friday), overtime shall be paid for hours worked in excess of 8 hours per day on a scheduled work day and for all hours they are required to report to work outside of their regular work schedule (workweek). For purposes of computing overtime and compensatory time, vacation, holidays, and sick leave shall be considered as time worked."

Page 17, Section B: General Disciplinary Policy: Executive Secretary Kimmell and City Administrator Marsh reported not defining a stepped policy that will be perceived as having to be followed protects the "at will" employee designation. Otherwise a contract may be implied. Expert advice from CVMIC was followed in drafting this policy, and is defensible by them. A grievance procedure is available for further employee action. Alder Busse agrees, and stated if immediate termination is needed there shouldn't be the implication of steps prior to action. City Attorney Cole stated the existing policy gives more certainty and comfort to employees and assists Department Heads in actions, but potential discrimination claims are possible if an established procedure is not followed equally for each employee, and makes employees not "at will". The appeal policy would preclude an unfair supervisor.

Alder Wood prefers the existing policy that spells out what will happen when. Alder Speight agrees that debate is needed on this issue. After discussion:

A motion by Alder Wood, seconded by Alder Speight to keep Section B: General Disciplinary Policy as is, delete line 31 – “The following are the recommended disciplinary actions to be taken for violations of City regulations:” – and replace with language as follows: “Set forth below are the steps that supervisors will ordinarily use when taking disciplinary action. However, the appropriate disciplinary action depends on the reasons for the disciplinary action. Employees do not have a right for each step to be followed. Steps may be skipped. Disciplinary action may start at any of these four steps. Some actions will require the termination of an employee with a previously spotless employment record.”, was carried. Alder Busse voted against the motion.

City Administrator Marsh reported departmental policies are currently under review and will be revised to follow this document and brought to the Finance & Personnel Committee for review and final approval. City Attorney Cole provided language to direct employees to the appeal process as Alder Wood requested.

A motion by Alder Wood, seconded by Alder Busse to add the following language to the end of Section B: General Disciplinary Policy: “Employees may appeal disciplinary demotion, suspension or termination pursuant to the procedures set forth in Chapter 11.”, was carried.

Page 31, Section M: Sick Leave: Executive Secretary Kimmell reported three permanent part-time employees are affected by this change in policy and would no longer earn sick leave. Proration is based on the percentage of hours worked. There are employees who work under 20 hours per week. The Library Board has adopted the current policy and will review this document. City Attorney Cole provided language to amend Option 2.

A motion by Alder Wood, seconded by Alder Speight to approve Section M: Sick Leave, Option 2 amended as follows (amendments are underlined), was carried:

“3. Part-Time Employees. Permanent part-time employees having a regular work schedule averaging the same amount of work hours per week but annually averaging at least 20 hours per week shall earn prorated sick leave benefits.”

Page 29, Section C: Retirement:

A motion by Alder Wood, seconded by Alder Speight to amend Page 29, Section C: Retirement as follows (new language is underlined), was carried:

Delete the following: “All employees who work more than 1,200 hours per year (or more than 600 hours per year if previously enrolled in the Wisconsin Retirement System through this or another employer) are required to participate in the Wisconsin Retirement System.”

Add the following: “Any employee employed by any Wisconsin Retirement System-employer before July 1, 2011, who receive earnings for employment and who is expected to work for at least one full year at least 600 hours is required to participate in the Wisconsin Retirement System.”

Any employee who began his or her first employment with a Wisconsin Retirement System-employer on or after July 1, 2011, who receives earnings for his or her employment, and who is expected to work for at least one full year at least 1200 hours is required to participate in the Wisconsin Retirement System.

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In accordance with current state law, the City shall pay the “employer share”, which is computed as a percentage of each employee’s income, and the employee shall pay the “employee share”, which is also a percentage of the employee’s income.

Notwithstanding the provisions of this section, eligibility to participate in the WRS is controlled by state statutes (see especially Wis. Stat. §40.22) and the administrative rules of the Department of Employee Trust Funds (see especially Wis. Admin. Code Chapter ETF 20).”

A motion by Alder Busse, seconded by Alder Wood to approve Resolution 12-12-1896 Approval of Revisions to City Personnel Policy Manual as amended, was carried.

Mayor Miller thanks Executive Secretary Kimmell, Finance Director Houtakker, City Administrator Marsh, CVMIC, and Alder Wood for their extensive work on this issue.

NEW BUSINESS

A motion by Alder Thomas, seconded by Alder O’Connor to suspend the rules and take action on Resolution 12-12-1898 Approval of Electric Distribution Facilities Relocation Agreement for Phase 3 of the Monona Drive Reconstruction Project, was carried.

City Administrator Marsh reported this work has been in progress but approvals were delayed by the City of Madison’s review process.

A motion by Alder Thomas, seconded by Alder Wood to approve Resolution 12-12-1898 Approval of Electric Distribution Facilities Relocation Agreement for Phase 3 of the Monona Drive Reconstruction Project. On a roll call vote, all members voted in favor of the motion.

MISCELLANEOUS BUSINESS

There was no Miscellaneous Business.

REPORTS

City Administrator Marsh reported the December CDA meeting is cancelled due to a lack of Agenda items. Fairway Glen will begin demolition and asbestos abatement and Treysta will be turning in stormwater and engineering plans to the City.

Mayor Miller reported the Chamber of Commerce holiday gathering will be at the Village Lanes tomorrow at 5:00 p.m. 2013 will be the 75th anniversary of the City and the Committee has been meeting to gather ideas. Viewers are invited to participate and volunteer in this process and event.

APPOINTMENTS

There were no Appointments.

ADJOURNMENT

A motion by Alder Speight, seconded by Alder Wood, to adjourn, was carried. (9:40 p.m.)

Joan Andrusz
City Clerk