

## MINUTES OF THE COMMITTEE OF THE WHOLE MEETING OF JULY 25, 2012

### Call to Order

President Vanden Berg called the Committee of the Whole meeting to order at 6:00 p.m.

### Roll Call

PRESENT: President Vanden Berg, Trustee Berken, Trustee Frassetto, Trustee Hietpas, Trustee Peerenboom, Trustee Smith, Trustee Van Lankvelt

ALSO PRESENT: C. Kell, T. Matheny, J. Moes, R. Van Gheem, E. Misselt, T. Flick, V. Schneider, Village Employees, Interested Citizens, Media Reps

### Public Appearance for Items not on the Agenda

None

### Review/Action on Site Plans for Premier Little Chute, LLC Development

J. Moes stated staff has reviewed the plans and is recommending approval of the site plans as presented subject to minor changes that staff may make in relation to easements and sewer and water pipe locations. J. Moes noted that a building permit will only be issued after the State approves the plans.

*Moved by Trustee Van Lankvelt, seconded by Trustee Smith to approve the Site Plans for Premier Little Chute, LLC Development.* Ayes 7, Nays 0 – Motion Carried Unanimously

### Discussion of Employee Use of Public Works Facilities/Equipment

Trustee Frassetto stated she has asked for this to be on the agenda at the request of a taxpayer but it wasn't her intent to go as broad as all facilities and equipment as the taxpayer's concern was with power washing and public employees using the water and utilities of the Village, not the actual equipment. T. Flick stated that the power washer that is used for that is a fixed piece of equipment in the building. Staff explained that the policy has been that non-gas powered equipment could be checked out by employees if it is not being used by the Dept. and small gas powered equipment can be checked out for \$20. T. Flick stated that money is used to replace blades and equipment. Trustee Van Lankvelt commented that he thinks that is a standard practice to be able to check out tools. T. Flick stated that if a piece of equipment that is checked out without a rental fee is damaged, the employee must fix it or replace it. Trustee Smith stated he understands the concern with water but he doesn't see it being used a lot and he would like to address this in the employee handbook as a benefit. Staff estimated that \$100 a year is collected from the employees' for use of gas powered equipment and not that many employees check out the equipment. R. Van Gheem stated that since June 21 only three people had checked out hand equipment and use in the building since July 1 was five times. T. Flick stated that use is weather driven and he doesn't see any individual using the power washer excessively. R. Van Gheem stated that if there is any abuse privileges are revoked. C. Kell stated that there are other departments that do things of a similar nature and he noted instances with the Fire Dept. and if the Board wants to do anything with this issue, it would involve more than just addressing the Public Works/Parks Dept. No action was taken.

### Review/Discussion – Employee Handbook

C. Kell led a review of the handbook pointing out some key issues and changes that have been incorporated. Areas discussed and needing further review are:

- 3.02 – Delineation of Authority and Responsibilities – Authority of the Village Board of Trustees and Authority of the Administrator to fill non-statutory employee positions and the Village Board's involvement in the recruitment and selection process of non-statutory employees.
- 4.02 Recruitment and Selection Process Trustee Frassetto pointed out that in some areas the handbook refers to Dept. Heads and in other areas Dept. Directors. C. Kell stated he will correct the language to make it consistent.
- 5.07 Continued Education and Coursework - loosen up language to address potential future assignments and cross training.
- 7.02 Compensation Structure and Process - word generically.

- 7.03 Pay Period and Hours regarding comp time and comp time payout. Trustee Frassetto stated she would like the comp time policy to be straight across the board. Trustee Smith stated money should be included in the budget for payout of comp time.
- 8.05 Sick Pay – number of sick days, capping sick days, payout rate, and offering a short term disability policy were the areas discussed and of concern of some Board members. Trustee Peerenboom requested that the Board be provided with the cost of a short term disability policy. President Vanden Berg requested a report on the number of sick days that are actually used.
- 8.06 Vacation – the change proposed by the Administrator eliminates the granting of 25 days of vacation after 30 years of service with the exception that it will still be made available to employees that have reached 25 years of service as of the adoption of these policies. Jim Moes stated it would be nice to be prorated as he will only be 2 years from the 25 year mark as of next week. Donna Koebe requested that the Board grant an exception for her as she will reach 25 years of service next year. Trustee Smith requested that staff provide the Board with the number of employees that are at the 20 years of service mark. T. Flick noted that as part of previous union negotiations, the sixth week of vacation was taken away but it was still given as a benefit to employees hired before December 31, 2007. Discussion took place on adding the requirement of having to take one full week of vacation each year.
- 10.0 Village Classification of Employees – Appendix will be added to classify all employees as either exempt or non-exempt.
- 12.01 Non-Representative Salary Plan. (2) Administration regarding the Administrator administrating the Plan or the Village Board administering the Plan. Trustee Hietpas stated he is supportive of a pay for performance plan. President Vanden Berg stated that this section should reflect the current practice that the Administrator makes recommendations subject to Board approval. C. Kell commented on the review process and the Administrator bringing department heads reviews before the Board and the Administrator implementing the salary adjustments. President Vanden Berg stated Board involvement needs to be determined in Department Head reviews and salary increases. Trustee Hietpas again stated he is supportive of a pay for performance plan and he is opposed to straight across the board salary increases as some Department Heads have taken on substantially more responsibility and they deserve more money, some run their departments better than others, and some deserve less. T. Matheny stated that the merit plan implemented by the Village of Kimberly takes the merit decision out of the Board's hands and it is strictly the Administrator's decision and the Board decides on the COLA increase. Trustee Smith commented on the merit plan being equal for all. Trustee Van Lankvelt commented that the performance plan has to be funded and budgeted for.
- 12.01 (9) Bonus and Merit Awards – determine if this should continue to be a part of the handbook.
- 13.0 Performance Evaluation and Professional Development – President Vanden Berg and Trustee Frassetto suggested that a date for the Administrator's review be included in the language.
- 13.03 - Discussion took place on performance evaluations for represented employees and revisiting this when the union contracts are no longer in place.
- 17.06 Electronic Communications & Information Technology Resources – C. Kell reviewed this new section of the handbook. Trustee Peerenboom stated he has a concern with employees' use of their own phones. C. Kell stated he will add a paragraph to address this issue. Trustee Frassetto stated she has concerns with creating a policy without the intent to enforce it but she agrees there needs to be a policy. Trustee Frassetto stated that she see a conflict in the language regarding employees' use of fax and photo copy machines for personal use or if they use it they have to pay for it and it should be one way or the other.
- 17.28 Harassment in the Workplace Policy – Complaint Reporting and Investigation Procedure. Trustee Peerenboom stated he would like to see it added that in certain instances such as an

employee not being comfortable with taking a complaint to a Supervisor, Department Head, or the Administrator, the employee could report a complaint to the Village President. Trustee Frassetto stated she would also support this. President Vanden Berg agreed.

- 17.29 Nepotism/Employment of Relatives – the policy does not cover part-time or seasonal positions. T. Flick commented on the number of seasonal employees his department hires and they do their best to hire the best of the best and there are seasonal employees hired that have a connection to the Village. Trustee Peerenboom stated his concern was with the pool hiring being done by the pool staff. T. Flick stated that for the last three years he has sat in on the interviews for the pool staff and Donna Koebe handles the recreation staff interviews. T. Flick stated the pool staff will make recommendations but they do not solely decide who gets hired for the pool. Trustee Peerenboom stated he just wants to be sure that the Parks and Recreation Director has input in the hiring decisions.
- 17.33 Residency – Trustee Frassetto stated she thinks it should be a policy that the Village Administrator should live within the Village and any extenuating circumstances could be addressed within the employment contract. President Vanden Berg stated he didn't have a problem with residency requirements of 10 or 20 miles. T. Matheny suggested checking with other municipalities as some communities have extended the distance to attract a greater pool of professional candidates.
- 17.35 Solicitations and Distributions – Trustee Frassetto stated she thinks it should be one way or another on either allowing or not allowing. This language will be changed to be more specific.
- 17.36 Use of Village Vehicles and Use of Personal Vehicles While on Village Business. C. Kell stated that there is a policy in place that requires authorization by the Administrator for employees being allowed to take a village vehicle home. Currently there are only two employees authorized to do this and that is the Public Works Director and Assistant Director and the Police Chief is allowed to take a vehicle home under his employment contract. Trustee Peerenboom stated that he would like to see the Vehicle Use Policy either incorporated in this section by reference or as an attachment and he would also like to revisit the policy on taking vehicles home. Trustee Frassetto stated she would also like to review the criteria established for allowing an employee to take a village's vehicle home. Trustee Frassetto questioned if the Village needed additional insurance if someone had an occupational license. C. Kell stated that he will have staff check with the Village's Insurance Company on the question.
- 17.39 Workplace Safety – Village Ad Hoc Safety Committee. Trustee Frassetto questioned who serves on this committee. Administrator Kell stated there hasn't been a meeting but if he were to call a meeting it would include the Police Chief and Public Works Director.

President Vanden Berg stated that these areas will be revisited at a future meeting and staff will be provided an opportunity to give feedback. C. Kell stated that if the Board makes decisions on changes to benefits, the employees will want an opportunity to comment once they know what the final plan is going to look like. President Vanden Berg stated the intent is to keep the employees in the loop and the Board has more work to do. Trustee Peerenboom asked the Administrator to provide the Board members with his checklist of sections that are going to require further Board review. President Vanden Berg stated the intent is to keep this moving but there isn't a specific timeline. Trustee Frassetto suggested a target date that this be finished by the end of the year and Board members agreed.

### **Appointment – Board of Review**

President Vanden Berg commented on the qualifications of resident Antonio Flores and stated he is recommending the appointment of Antonio Flores to the Board of Review.

*Moved by Trustee Peerenboom, seconded by Trustee Frassetto to approve the appointment of Antonio Flores to the Board of Review as recommended by the Village President.*

Ayes 7, Nays 0 – Motion Carried Unanimously

### **Unfinished Business**

None

### **Items for Future Agenda**

T. Flick stated that he would like a future agenda item regarding the development of Heesakker Park as staff needs direction as the proposed pond influences the design of the off street parking and the archery range that the Jaycees want to build and he doesn't want to lose the offer from the Jaycees to build the archery range. T. Flick stated he would like to start design this fall for construction next year as this project is now being pushed back a year because of the pond issue. President Vanden Berg suggested putting the pond issue on a future agenda in a closed session. C. Kell stated the park plans will be presented to the Board once the Parks Director can move forward with the design. T. Flick stated this issue is also affecting the Jaycees as they are also on hold with their design for the archery lane until a decision on the pond is made. Chief Misselt stated he would like to present the reverberating noise ordinance at a Committee of the Whole meeting in August.

*Moved by Trustee Smith, seconded by Trustee Frassetto to enter into closed session. (8:44 pm)*

Ayes 7, Nays 0 – Motion Carried Unanimously

Administrator Kell was present for the Closed Session. The Public Works Director was present for a portion of the Closed Session. All other Dept. Heads and the Village Clerk were excused at this time.

### **Closed Session: 19.85(c) Consideration of Employment, Promotion, or Performance Evaluation Data of any Public Employee of the Village of Little Chute**

a) *Performance Evaluation of the Public Works Director*

### **Closed Session: 19.85(1)(e) Wis. Stats. Deliberations or negotiations on the purchase of public properties, investing of public funds or conducting other specific public business when competitive or bargaining reasons require a closed session.**

b) *Amending Premier Little Chute LLC/Village of Little Chute Developers Agreement*

*Moved by Trustee Peerenboom, seconded by Trustee Berken to exit closed session and return to open session. (9:42pm)*

Ayes 7, Nays 0 – Motion Carried Unanimously

### **Return to Open Session – Action on Proposed Amendment to Premier Little Chute, LLC/Village of Little Chute Developer's Agreement**

*Moved by Trustee Peerenboom, seconded by Trustee Frassetto to extend the real estate closing date for the Evergreen L. C. Development/Premier Little Chute, LLC/Village of Little Chute Development Agreements to August 10, 2012.*

Ayes 7, Nays 0 – Motion Carried Unanimously

## Adjournment

*Moved by Trustee Frassetto, seconded by Trustee Smith to Adjourn the Committee of the Whole meeting at 9:44 p.m. Ayes 7, Nays 0 – Motion Carried Unanimously*

## **VILLAGE OF LITTLE CHUTE**

By: Michael R. Vanden Berg, Village President

Attest: Vicki Schneider, Village Clerk