

MINUTES OF THE COMMITTEE OF THE WHOLE MEETING OF OCTOBER 10, 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, J. Moes, E. Misselt, T. Matheny, T. Flick, J. Elrick, V. Schneider Village Employees, Scott McArdle and Toonen Property Reps., Interested Citizens, Media Reps

Public Appearance for Items not on the Agenda

None

Review/Action – Fireworks Permit – Toonen Properties – 1030 W. Elm Dr. – Scott McArdle Applicant

Scott McArdle stated they are requesting permission to shoot off a small projectile to vacate the seagulls that are roosting on their rooftops which are adjacent to the Outagamie County Landfill.

Moved by Trustee Frassetto, seconded by Trustee Berken to approve the Fireworks Permit for Scott McArdle and Toonen Properties with the conditions recommended by the Police and Fire Departments that all residents and businesses be notified of the date and time the fireworks will be detonated and that the Police and Fire Departments are notified 24 hours in advance of detonations.

Ayes 7, Nays 0 – Motion Carried Unanimously

Discussion/Direction on the Following Elements of the Employee Handbook

- a) Comp Time Policy
- b) Sick Pay Policy
- c) Vacation Policy

C. Kell stated that when the employee handbook was reviewed, Trustee Frassetto indicated a desire to see the same comp time policy for everyone and Trustee Smith commented on budgeting money to pay out comp time. C. Kell reviewed the information provided which showed averages by department over the last six years. C. Kell stated that there isn't a policy for non-union reps in terms of payout and per contract the PW/P&R union staff can accumulate up to 80 hours annually and hours not used are paid out at the end of the year and the employee can request payout at any time during the year and they can only use one comp day per work week. C. Kell stated the Police Union contract also has a maximum accumulation of 80 hours and they are paid out after December 31 for any hours in excess of 40 hours. C. Kell stated that he has talked to Department Heads and overall the policy is working well for the Departments but there are some inequities in the way non-exempt are being allowed to accumulate and at what rate so the policy needs to be cleaned up so all non-exempt are being treated the same. Discussion took place. The consensus of the Board was to have staff discuss and come up with a cap that is equal across the board, with an end of year payout in all departments and they asked the administrator to come back with this information.

C. Kell stated the Village President had asked for a report on sick pay usage and C. Kell reviewed the report that used a six year average and for the most part it runs six to seven days a year that employees are using and employees earn 12 sick days a year or 8 hours per month. C. Kell stated that employees can earn up to 120 sick days and at retirement the maximum payout is 60 days and an employee must retire to get the payout. Chief Misselt pointed out that the Metro's collective bargaining unit allows the maximum of 120 days with 60 day payout and they don't have to retire to be paid out as they can be paid out after working nine years. Chief Misselt stated there is a concern because if changes are made to the non-rep package it builds inequities between non-rep and represented employees. Staff noted that the sick day average is skewed because there are some employees that have had long term claims and have been on FMLA leave and employees are not abusing sick days and most are banking the sick days in case they are

needed for a major illness or disability because there isn't a short term disability policy and long term disability doesn't kick in until 180 days. A lengthy discussion took place.

President Vanden Berg stated the two issues seem to be the number of days earned per year and the amount that is allowed to be accumulated. President Vanden Berg asked Board members if they were ok with the 12 days or if they wanted that number taken down. Trustee Peerenboom stated he would like to see it taken down to eight (8) days and Trustee Van Lankvelt agreed stating maybe it could be adjusted down every year until it is at eight (8) a year. Trustee Hietpas stated he was ok with the eight (8) days but he would also like to see an account set up to fund the dollars. C. Kell stated that Trustee Peerenboom had requested information on the cost of short term disability and he did receive some options and it is looking like a \$19,000 to \$30,000 a year cost. Michael Stouffer, 714 Bluff Avenue, commented that one in three people are disabled for six months or more in their life. Trustee Frassetto stated she is in favor of staying at the 12 days because short term disability doesn't provide for an employee to care for a family member and she supports the current policy. Trustee Smith stated he doesn't see that there is a problem but he would entertain looking at the cost of a short term disability plan but he wants to be sure that employees have enough days and a lot of people don't even get the payout. Gabe Konopka, 102 E. McKinley Ave., questioned what savings there really would be with a short term disability and he thinks it would be a wash. T. Matheny stated that if they are looking at taking it down, nine (9) days would make it six hours a month which is easier to compute than eight (8) days. Chief Misselt questioned what the concern was with the 12 days and the current policy as people are held accountability if there is a misuse of sick time. Trustee Peerenboom stated that benefits have to be brought into line with other communities and businesses. Trustee Hietpas stated his concern is a potential future liability. T. Flick stated that some union employees were not able to attend tonight and he asked the Board that since the agenda does not call for action but direction, that a formal vote be taken at another date so staff can inform employees of the direction the Board has given and the employees will then have a chance to comment to the Board when formal action is taken. Randy Lefebvre, FVMPD employee, commented on the differences between the benefits of the public and private sector and not taking away from employees if they want to keep or attract employees. Mr. Lefebvre also commented about creating an inequity with the Police Union. Chief Misselt also commented on comparing apples to oranges and the frustration it causes. Vince Lamers, DPW employee, commented on perks that private employees get and he commented that to guys that have put in 20 years and not abusing their sick leave, it is literally a slap and he doesn't think the Board's intention is to reprimand him for 20 years of service to the Village. President Vanden Berg polled the trustees as to who was in favor of nine (9) sick days. Trustee Van Lankvelt, Trustee Peerenboom, Trustee Hietpas, Trustee Berken indicated they support reducing the sick pay policy to nine (9) days per year. Trustee Frassetto stated she was in support of the 120 days accumulation because after the next 10 years she believes the number of payouts will dwindle. Trustee Smith stated he was in support of the 120 days but like Trustee Hietpas, he is in favor at looking at funding that liability. Trustees all indicated they were ok with leaving the 120 days accumulation and they informed staff that the short term liability option should be dropped.

C. Kell stated that the recommendation being looked at was to drop the 6th week of vacation except from employees that have already earned it and he noted there were 14 employees that currently have 20 years or more of service. Chief Misselt commented on the officers in the union receiving 6 weeks of vacation at 25 years and he commented on the issues the inequities are causing when trying to fill non-representative positions through promotions within the Department. T. Flick noted that in a past DPW union contract, the sixth week of vacation was eliminated for all new hires and he felt that all employees that are currently working should be grandfathered in for the sixth year. Discussion continued. Gabe Konopka, 102 E. McKinley Ave., commented that maybe the inequity of lost vacation could be made up with

increased wages. The majority of trustees indicated agreement with eliminating the sixth week for all new hires. Trustee Frassetto stated at some point in the future she would like to discuss a four week cap for new hires.

Review/Possible Action – Increase Building Permit Fees

J. Moes stated that the Building Inspector reviewed what the surrounding communities are charging for commercial building permit fees and they found that the Village's fees are quite low as most communities are charging between \$10 and \$15 per 100 sq. ft. J. Moes stated the fees would go into effect on November 1st if approved by the Board. J. Moes stated that a commercial/industrial builder had already been quoted fees he will hold them to the fee they were quoted.

Moved by Trustee Frassetto, seconded by Trustee Bergen to approve the increase to \$200 for a building permit fee for commercial/industrial properties and the increase to \$10 for each additional 100 sq. ft. as presented.

Ayes 7, Nays 0 – Motion Carried Unanimously

Review/Action on Resolution – Allowing WIDOT to Construct Portions of Main Street on Village of Little Chute Land Interests and Authorizing the Execution of WIDOT Documents

J. Elrick stated that this is just a standard process when the State works on projects.

Moved by Trustee Frassetto, seconded by Trustee Van Lankvelt to Adopt Resolution No. 32, Series of 2012 Allowing the WIDOT to construct portions of Main St. on Village of Little Chute land interests and authorizing the execution of WIDOT documents.

Ayes 7, Nays 0 – Motion Carried Unanimously

Unfinished Business

Trustee Peerenboom questioned the status of the house on W. Lincoln Ave. that was authorized by the Board to be taken down. C. Kell stated that the Fire Department is currently using the house for training and he understands that U.S. Venture will be taking the house down the 1st week in November and they will also be doing some rough grading of the lot to prepare it for the WE Energies project and he will report in more detail next week. Trustee Frassetto questioned the status of the Rosehill Rd. terraces and C. Kell reported that the Public Works Director has an item on next week's agenda to report on this issue. Chief Misselt stated he has almost completed a rewrite of the animal ordinance and it will be presented to the Board at a future Committee of the Whole meeting. J. Elrick reported that the new laborer position would start on Monday. J. Moes stated that repairs are still being done at the other home on W. Lincoln Ave. and they have discovered that something is wrong with the furnace so that has to be dealt with but they hope to have it listed next week.

Items for Future Agenda

Clerk Schneider reported that on next week's agenda will be a reserve liquor license application for the Main Event and the applicant is also applying for the \$10,000 grant for the reserve license fee.

Clerk Schneider also reminded the Board that next week's meeting is on Monday.

President Vanden Berg stated that no action would be taken on the closed session item.

Moved by Trustee Smith, seconded by Trustee Frassetto to enter into closed session. (7:47 p.m.)

Ayes 7, Nays 0 – Motion Carried Unanimously

The Village Administrator, Village Clerk and staff were dismissed from the meeting at this time.

Attorney Jim Macy was present for the closed session item regarding personnel.

Closed Session:

19.85(c) - Consideration of Employment, Promotion, or Performance Evaluation Data of any Public Employee of the Village of Little Chute – *Review of Employment Agreement*

Administrator Kell and Jeff Elrick were present for this item.

19.85 (g) Wis. Stats. – Conferring with Legal Counsel for the Village, legal counsel rendering oral or written advice concerning strategy to be adopted by the Village Board with respect to litigation in which the Village is now or is likely to be involved. *Update on Contract and Legal Issues/Negotiations Regarding the 2012 Concrete Paving Contract*

Administrator Kell was present for this item.

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. *Negotiations Regarding the Purchase of Downtown Properties for the Village Hall Project and Direction to the Village Administrator Regarding These Negotiations.*

Moved by Trustee Frassetto, seconded by Trustee Smith to Exit Closed Session and Return to Open Session. (9:35 p.m.)

Ayes 7, Nays 0 – Motion Carried Unanimously

Return to Open Session

No action taken.

Adjourn

Moved by Trustee Berken, seconded by Trustee Frassetto to Adjourn the Committee of the Whole meeting at 9:35 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