

**COUNCIL MINUTES**  
**REGULAR**  
**December 19, 2011**

**1.*****CALL TO ORDER***

The meeting was called to order by Mayor Larson at 7:00 p.m.

**2.*****PLEDGE OF ALLEGIANCE***

Mayor Larson led the audience and Council in the Pledge of Allegiance.

**3.*****ROLL CALL***

Members Present:     Larson, Bartholomay, Donnelly, Fogarty, May

Members Absent:     None

Also Present:         Joel Jamnik, City Attorney; David McKnight, City Administrator;  
                              Teresa Walters, Finance Director; Brenda Wendlandt, Human  
                              Resources Director; Cynthia Muller, Executive Assistant

Audience:            Beve Preece, Lenny Hall

**4.*****APPROVE AGENDA***

Councilmember May pulled items 7i) Approve AFSCME Clerical, Technical and Professional Unit Settlement, 7j) Approve AFSCME Maintenance Unit Settlement, 7k) Approve Annual Adjustment for Non-Represented Employees for separate vote.

**MOTION** by Fogarty, second by Donnelly to approve the Agenda. **APIF, MOTION CARRIED.**

**5.*****ANNOUNCEMENTS***

**6.*****CITIZEN COMMENTS***

Mr. Dick Graelisch, 1020 3<sup>rd</sup> Street, stated a couple weeks ago we had a heavy rain and the water was backing up at 3<sup>rd</sup> and Maple Streets. The catch basin was full of leaves, so he cleaned it out and then the water receded. When the snow thaws the same thing happens in that area. He felt the street sweeper is put away too early.

**7.*****CONSENT AGENDA***

**MOTION** by Fogarty, second by Bartholomay to approve the Consent Agenda as follows:

- a)     Approved Council Minutes (12/5/11 Regular)
- b)     Adopted **RESOLUTION R59-11** accepting donation from Farmington Travel Baseball Association for Prairieview Park Ballfield Improvements – Parks and Recreation
- c)     Set January 9, 2012 for Board and Commission Interviews - Administration
- d)     Adopted **RESOLUTION R60-11** approving Gambling Event Permit Knights of Columbus - Administration
- e)     Received information November 2011 Financial Report - Finance

- f) Adopted **RESOLUTION R64-11** approving Heritage Preservation Consultant Contract - Planning
- g) Approved Fire Chief Appointment - Administration
- h) Approved Rescue Squad Membership – Fire Department
- l) Approved Contract with Check Diversion Program, LLC – Police Department
- m) Approved Bills

**APIF, MOTION CARRIED.**

- i) **Adopt Resolution - Approve AFSCME Clerical , Technical and Professional Unit Settlement – Human Resources**
- j) **Adopt Resolution - Approve AFSCME Maintenance Unit Settlement – Human Resources**
- k) **Adopt Resolution - Approve Annual Adjustment for Non-Represented Employees – Human Resources**

Councilmember May wanted to be consistent with her voting over the past year and taking the position of weighing the economic times where many are on a fixed income or unemployed. She did not want her vote to be taken as being unappreciative of staff, but she does not believe now is the time for a wage increase. The fact that each of these items has noted a reduction in the current contribution amounts for health insurance is primarily due to the decrease in premiums themselves. She pulled these items for a separate vote and also noted the Mayor needs to abstain from one of them. Mayor Larson noted he will take care of it.

**MOTION** by Fogarty, second by Donnelly to adopt **RESOLUTION R61-11** approving the AFSCME Clerical, Technical and Professional Unit Settlement and **RESOLUTION R62-11** approving the AFSCME Maintenance Unit Settlement. Voting for: Larson, Bartholomay, Donnelly, Fogarty. Voting against: May. **MOTION CARRIED.** **MOTION** by Fogarty, second by Donnelly to adopt **RESOLUTION R63-11** approving the annual adjustment for non-represented employees. Voting for: Bartholomay, Donnelly, Fogarty. Voting against: May. Abstain: Larson. **MOTION CARRIED.**

**8. PUBLIC HEARINGS**

**9. AWARD OF CONTRACT**

**10. PETITIONS, REQUESTS AND COMMUNICATIONS**

- a) **Adopt Ordinance – Amending the City Code Concerning Variances, Nonconformities and Shoreland Management Regulations - Planning**  
According to State statute the above codes need to be amended. Regarding variances, the hardship provision was changed to “practical difficulties.” The nonconformities and shoreland management regulations were outdated so they have been brought into compliance with State laws. **MOTION** by Fogarty, second by Bartholomay to adopt **ORDINANCE 011-642** amending sections 10-3-6, 10-4-2 and 10-6-18(F) of the Zoning Code. **APIF, MOTION CARRIED.**

**b) Year End 2030 Comprehensive Plan Review - Planning**

The Comprehensive Plan was to be updated every 2-3 years. We are going into the fourth year due to waiting for final census numbers. Chapter 5, Housing Element, has been updated to reflect changes in housing and population. Also a chapter on Sustainability has been added which deals with items from the Green Team and also the GreenSteps program. Four chapters including, Community Vision, Transportation, Water Resources, and Heritage Preservation did not require updating. Staff plans to have the update process completed in early 2012.

**11. UNFINISHED BUSINESS**

**a) Approve City Administrative Policy and Procedures Manual – Human Resources**

Human Resources Director Wendlandt presented changes in the above manual. Councilmember Bartholomay stated he compared the old and new and did not notice a lot of changes. He asked if some changes were already saved since February. Staff explained the original policy manual was done in 1988 or 1989. Since then it has been revised over the years and was done on the computer. Late 2010/early 2011 a new manual was created which was brought to Council in February. Councilmember Bartholomay noted Council had asked for a redlined copy. He noted the explanation in February was that some editing was done. Human Resources Director Wendlandt explained the policies were not in one document. As the policies were pulled together, one document was created and it was edited along the way. Many changes were non-substantial and grammatical. Wording was consolidated to shorten the length of policies. Some changes were due to state and federal law changes.

Councilmember May agreed that in the future Council should have a redlined copy to see the changes. She noted the Planning department does a good job of this so Council can see if the changes are of any great substance. It is difficult to know what the changes are without the redline version. Human Resources Director Wendlandt stated that is the intention with the new manual. The difficulty with the first version is not everything was in one place so pulling it together and having to redline a new document was difficult. Now this document can be updated with a redlined version in the future.

Councilmember Bartholomay asked about section 4.7 Credit Card Use, item 2 stating “Ensure that the card is used only for legitimate City business expenditures in accordance with the cardholder’s job duties. Personal charges incurred as a part of travel costs can be included and later reimbursed to the City.”

Councilmember Bartholomay asked if that could be considered borrowing. Finance Director Walters stated it is not. We have several people who do not have City credit cards so they use their own card or purchase things with cash and bring in the receipt to be reimbursed. The receipt has to be detailed and on a timely basis. Councilmember Bartholomay asked about using a City credit card for personal items. Finance Director Walters stated absolutely not. A City credit

card cannot be used for personal items. Councilmember Bartholomay asked if the wording needed to be changed in this policy. Human Resources Director Wendlandt stated this is a policy she has not changed and it was done in conjunction with the previous Finance Director. This was included because there were times when someone inadvertently used a City credit card rather than their own and did reimburse the City. This can be changed and brought back to Council. City Administrator McKnight stated staff will remove the second line of that item and make it clear to employees.

Councilmember May asked about section 4.6 Nepotism, and asked if spouse should be included in the list of relatives. Human Resources Director Wendlandt noted the end of the policy states it does not apply to marital status as protected under the Minnesota Human Rights Act. Councilmember May asked about section 5.2 Exempt Employees Paid Leave and Flexible Scheduling and noted number 2 states, "An exempt employee does not have to use accrued leave in the case of partial day absences." She asked why that is done. Human Resources Director Wendlandt stated many of the exempt staff are here for night meetings or don't work a normal 8:00 am – 4:30 pm day. Councilmember May understood an hour or two, but in the private sector it is half day or full day. Councilmember Bartholomay agreed. Staff will review this section.

Councilmember May was trying to understand the new PTO and accruals. She understood new employees as of January 1, 2012 will be on PTO. City Administrator McKnight clarified that will be new non-union employees. Councilmember May stated looking at the hours per pay period, she could not see why someone that is on the old plan would change to the new plan as there is no incentive. You have accruals for sick leave and vacation and when you total them, there is no incentive to even consider the new plan. City Administrator McKnight stated that is correct. Right now this is for non-union employees. One of the things we agreed on with the two AFSCME groups was to discuss this issue. If you compare this draft policy to be put into place for current employees on vacation and sick, there will have to be some give and take. The analogy of no incentive for current employees to go to PTO is correct. We have not started that work yet. This was put into place because the purpose prior to his arrival was to switch employees to PTO over time based on Council's concern over the amount of compensated absence hours which relates to dollars built up in employees. This is to catch any new non-union employees. This will have to be discussed with union employees in 2012.

Councilmember Bartholomay stated the maximum PTO accrual of 320 hours is low because we do not have a short term disability plan. So the gap between the 320 hours and long term disability (960 hours) is too large where people would not receive a paycheck. Staff noted under the current plan long term disability starts on the 181<sup>st</sup> day which is 6 months. Councilmember Fogarty stated at what point in time does someone have to take responsibility for getting their own short term disability? Why is it the City's responsibility for that gap to be covered?

Councilmember Bartholomay agreed, but it is an option. Councilmember Fogarty agreed with giving employees an option to purchase it with a group rate, but did not agree with the concept that the City needs to allow them to accrue comp time up to six months. Human Resources Director Wendlandt stated right now employees do have the option to purchase short term disability as part of our benefit program. Councilmember Fogarty noted Council had discussed not wanting employees to accumulate six months of comp time; it is too much. Councilmember Bartholomay asked if the short term disability employees here would pay is comparable to the private sector. Human Resources Director Wendlandt has not researched that thoroughly, but some companies have a short term disability plan in place with a wide range. Most have been employer-paid. Councilmember May stated the primary objective is to decrease the 1,080 hours (6 months) maximum that can be accrued now.

Councilmember May asked about section 6.6 Compensatory (Comp) Time and if this can be discussed. In the private sector comp time is required to be used in that week or at least that month. To be able to accrue comp time for the work you have done at that pay, she would assume that most employees that have been here have their 40 hours tucked away. Human Resources Director Wendlandt explained that over the last three or four years comp time and overtime has been limited. Schedules have been adjusted rather than accruing the cost of comp time or overtime. Staff has worked very hard to minimize this amount. Where we see accruals is during snow plowing season, but they are paid out at the end of the year for maintenance. For non-bargaining we have managed that very carefully. If any comp time has been allowed it has been adjusted to be paid out in that pay period. Councilmember May noted it does not state that in the policy. The policy sounds like they can hold it until they retire. City Administrator McKnight noted you cannot exceed 40 hours of comp time. Councilmember May would like to see something in the policy that states it must be used within a certain period of time of when it is earned or paid out. Human Resources Director Wendlandt stated there is language in the Maintenance Agreement regarding paying it out at the end of the year so it does not roll over to the next year at a different rate of pay. That language could be included in this policy.

Councilmember May asked if there are other things in the contracts that are different from the policies. Human Resources Director Wendlandt stated yes there are differences throughout the policy manual. Wherever the policy and the collective bargaining agreement conflict, the collective bargaining takes precedence. Councilmember Bartholomay asked if Council can receive a separate list of those differences. Councilmember May stated we are only talking about specific areas of the policies; most is standard verbiage. When you get to PTO accruals she would like an overview of differences in each of the different departments. Staff noted it is not by department; it is by bargaining group. Councilmember May stated when staff makes a comment that the contracts take precedence it is hard to keep track.

City Administrator McKnight asked if Council was comfortable approving the policies minus sections 5.2 and 6.6 which deal with comp time and the exempt employee status. Staff will bring back differences with sick / vacation time versus PTO and provide a summary of the four contracts that may have similar issues to the policies. Councilmember Bartholomay asked if the contracts have changes that affect any other sections. City Administrator McKnight noted all union contracts have overtime clauses. Councilmember Donnelly asked how many non-bargaining employees are covered by these policies as far as PTO, vacation, sick, etc. The things Council is most concerned about are negotiated items in the separate contracts. There are very few employees that these policies govern. The contracts are for one year so we can start working on this sooner. City Administrator McKnight noted there are approximately 17 non-union employees. Staff will prepare a spreadsheet showing the differences between the policies and the contracts. Councilmember May noted Council wants to make sure the non-represented employees are treated as fairly as the rest.

Mayor Larson asked for clarification on sections 5.2 and 6.6. City Administrator McKnight noted 5.2 pertains to Councilmember May's question regarding the use of PTO by exempt employees and whether it should be in half day or full day increments. Section 6.6 covers comp time. Councilmember May also wanted to review sick leave and vacation. Those are in sections 5.13 and 5.15.

Councilmember Bartholomay asked to pull section 6.4 as well regarding merit pay. He thought we were not having merit pay. Human Resources Director Wendlandt stated we aren't, however, the language regarding merit pay was part of a mediated settlement with regards to a grievance and since it is in the full City policy, that language is still in this policy. With the bargaining units we will be discussing merit pay in 2012. As part of those discussions we will also talk about the non-bargaining. The language stayed in the policy because it is part of a mediated settlement.

**MOTION** by Donnelly, second by Fogarty to approve the changes to the Administrative Policies and Procedures manual excepting sections 5.2, 6.6, 5.13, 5.15 and 6.4. **APIF, MOTION CARRIED.**

**12. NEW BUSINESS**

**13. COUNCIL ROUNDTABLE**

**Councilmember May:** Wished everyone a Merry Christmas.

**Councilmember Bartholomay:** Wished everyone a Merry Christmas. Toys for Town went very well. He delivered gifts to residents and thanked the Police and Fire departments, volunteers and those who donated.

**Councilmember Fogarty:** Toys for Town was a fantastic event. They had 92 families, which was the highest number ever, and over 250 kids. Over 1,000 gifts were

wrapped. It was a really nice showing from the community. Even at the last minute when the committee was short on cash, the community came through and took care of all the families. She wished everyone a Merry Christmas and Happy New Year.

***Councilmember Donnelly:*** Wished everyone a Merry Christmas and Happy New Year and enjoy your family and friends.

***City Attorney Jamnik:*** Wished everyone Happy Holidays.

***Finance Director Walters:*** Happy Holidays.

***Human Resources Director Wendlandt:*** Happy Holidays.

***Mayor Larson:*** Thanked everyone who volunteered for Toys for Town and those who donated. It was a huge success. He encouraged everyone to shop local. With the holidays coming, remember to shop at the Farmington Liquor Stores.

- 14. ADJOURN**  
**MOTION** by Fogarty, second by Bartholomay to adjourn at 7:45 p.m. **APIF, MOTION CARRIED.**

Respectfully submitted,

Cynthia Muller  
Executive Assistant