

**DUNDAS CITY COUNCIL
REGULAR MEETING MINUTES
Monday, January 11, 2010
7:00 p.m. Dundas City Hall**

CALL TO ORDER/PLEDGE ALLEGIANCE

Mayor Glenn Switzer called the meeting to order at 7:00 p.m. followed by the Pledge of Allegiance

ROLL CALL

Present: Mayor Glenn Switzer; Councilors John Cruz, Chad Pribyl, John Zander

Absent: Councilor Nathan Ryan

Others Present: Chuck DeMann, Chip DeMann, Officer Christopher Daley, Kenneth Pilcher (LELSI), Chief Gordon Mincke, City Attorney Paula Callies, City Engineer Tom McMahon, City Administrator/Clerk John McCarthy, Deputy Clerk/Treasurer Linda Ripka

APPROVAL OF AGENDA

Motion by Cruz, second by Pribyl, to approve the Agenda. Motion Carried Unanimously (MCU)

CONSENT AGENDA

Motion by Cruz, second by Switzer, to approve Consent Agenda as follows:

Regular Meeting Minutes of December 28, 2009

Council 2010 Meeting Change Monday, May 31 to Monday, May 24

Resolution 2010-01 Resolution Designating Depositories

***Northfield News* as the Official Newspaper**

Councilor John Cruz as Acting Mayor

John Cruz: 1-year term on Planning Commission §301.01(A)(3)

Larry Fowler: 4-year term on Planning Commission §301.01(A)(4)

Chad Pribyl: 1-year term on Park & Recreation Advisory Board §304.02(A)(1)

Glenn Switzer and John Zander to the Mill Towns Trail Joint Powers Board

John Zander to the Northfield Ambulance Association

Finance and Legislation: John Cruz and Glenn Switzer

Human Resource: Chad Pribyl and John Cruz

Public Safety: Nate Ryan and John Zander

Public Works: John Zander and Chad Pribyl

Business Development: Glenn Switzer and Nate Ryan;

Discontinue Utility Services for accounts 90 days overdue.

Special Action Claims:

John Leo Drakulich: Double Payment on Winter Ban Ticket - \$20.00

Wells Fargo Bond Payment - \$162,521.25;

Expenditures of \$188,463.33.

MCU

ORDINANCES/RESOLUTIONS

Resolution 2010-02 A Resolution Changing the Number of Members on the Dundas Park and Recreation Advisory Board

Motion by Pribyl, second by Cruz, to approve Resolution 2010-02. Administrator McCarthy indicated Council requested a resolution reducing the number of member on the Park & Recreation Advisory Board from seven to five. Currently four positions are filled. **MCU**

NEW BUSINESS

MCFOA Training for Linda Ripka

Motion by Cruz, second by Pribyl, to approve normal and customary expenses for Deputy Clerk Linda Ripka to attend the MCFOA training in Rochester, MN, on February 12, 2010. McCarthy indicated training is on Microsoft Publisher for brochures and newsletters. **MCU**

Gopher State One Call Seminar for Duane Meliza

Motion by Switzer, second by Cruz, to approve normal and customary expenses for Public Works Superintendent Duane Meliza to attend the Gopher State One Call Seminar in Mendota Heights on January 20, 2010. **MCU**

Ehlers Public Finance Seminar for John McCarthy

Motion by Switzer, second by Pribyl, to approve normal and customary expenses for Administrator Clerk John McCarthy to attend the Ehlers Public Finance Seminar in Brooklyn Center on February 4th and 5th, 2010. Administrator McCarthy indicated seminar is about public financing, updates on laws relating to TIF. **MCU**

Step 3 Grievance Discussion

Administrator McCarthy informed Council of a Step 3 grievance claimed by employee Christopher Daley indicating the union will present the grievance with the City stating its position.

Ken Pilcher (union representative of LELSI) passed out language of the union contract. He explained the grievance involved .25 hours of overtime. He stated the first four hours of Daley's shift had been sick leave, which the union considers hours work under the contract. Daley worked 15 minutes (.25 hours) beyond shift which qualified him for time and one half. The union's position is sick leave counts as hours worked. Pilcher indicated Federal laws states sick time does not count as hours worked but the union contract does. He further stated union believes language is clear and sick time is hours work and employee is allowed the 15 minutes beyond scheduled hours as overtime. Employee was denied the overtime by the City as was paid 3.75 sick time and 8.25 hours work.

McCarthy stated the City position is the employee was scheduled for twelve hours shift but actually worked 8.25 hours after 4 hours of authorized sick leave. The sick leave was adjusted to 3.75 hours and Daley was paid for 8.25 hours at the regular rate of pay. McCarthy stated the City disagrees with union on sick time considered as time worked. He stated the contract defines a shift as a period of continuous work.

City Attorney Callies supported the City's position.

Councilor Pribyl indicated he works under a union contract which would allow overtime as the sick leave was approved prior to the shift; if sick leave was at the end, the overtime would not apply.

Councilor Cruz suggested approving 4 hours of sick leave with 8.25 hours of regular time. He did not agree with the unions position the contract defines sick leave as time worked to allow the overtime.

Mayor Switzer read the contract language noting sick time is not defined as part of a shift. Staff and Attorney have indicated denying but would consider approval of 4.0 sick leave and 8.25 regular time.

Councilor Zander stated contact is up for negotiation and should address the language definition; however, at this time he agrees with paying time and half.

NEW BUSINESS

Step 3 Grievance Discussion (con't)

Pilcher stated LEISI position is for the City is to either accept resolution demanded in the grievance or to deny it.

Motion by Zander, second by Pribyl to approve Resolution 2010-03 A Resolution Resolving Christopher Daley Grievance. Mayor Switzer and Councilor Cruz stated they are not in full agreement as they do not interpret the contract to define authorized sick leave to be part of a scheduled shift for the purpose of calculating overtime; however, in order to avoid the time and expense of arbitration and considering the relatively small amount of overtime, desire to resolve the matter. Councilor Pribyl expressed concern regarding the provision disputing the grievance but wanted to move on. **MCU**

Committee Assignments/Council/Workshop

Administrator McCarthy presented a list of work items the Council has discussed and suggest identify goals, priorities and assignment to staff, committee and Council. Mayor Switzer suggested each committee have a meeting within the next month.

REPORTS OF OFFICERS, BOARDS, AND COMMITTEES

City Engineer – Tom McMahon reported Dundas staff, Northfield staff and representatives from the Northfield Chamber of Commerce met with representatives of the MN Department of Transportation to discuss access and safety considerations concerning the MN Highway 3 corridor.

City Administrator/Clerk – John McCarthy

2009 Building Permit Report: McCarthy presented the final building permit report for 2009 noting Dundas has issued 21 new freestanding single family home permits during the year. He reported an additional 31 households were added due to the sale of 17 new detached single family homes and 14 new single family townhomes in 2009.

Complaints: The City has received several complaints regarding snow removal. The plowing contractors have been cleaning up after the Christmas snow and rain storm. Equipment breakdowns were responsible for some delay in the normal cleanup of the snow. Many of the complaints have been associated with mail boxes and noted it is the responsibility of the person receiving mail to keep the mail box accessible.

Blandin Community Leadership Program: McCarthy reminded Council to consider the upcoming Blandin Community Leadership Program and to also encourage anyone they know in the community to apply.

ADJOURNMENT

Motion by Pribyl, second by Cruz, to adjourn the Council meeting at 8:46 p.m. MCU

Respectfully submitted,

Attest:

John M. McCarthy, Administrator/Clerk

Glenn Switzer, Mayor