

**ST. BERNARD VILLAGE COUNCIL MEETING  
AUGUST 7, 2014**

The regular meeting of the St. Bernard Village Council was held Thursday, August 7, 2014 in Council Chambers.

President of Council, Mr. Michael Peck – The meeting was opened with a prayer followed by the Pledge of Allegiance.

Roll call showed that all members were present: Mr. Tobergte, Ms. Hausfeld, Mr. Kalb, Mr. Asbach, Mrs. Schildmeyer, Mr. Culbertson and Mrs. Bedinghaus.

Mayor Burkhardt introduced Kerry Meyer, his wife Toni and daughters Mary and Lauren. The Mayor then swore in Mr. Meyer as the new Fire Chief.

Mr. Asbach made a motion to dispense with the reading of the minutes. Mr. Culbertson seconded the motion. Council agreed 7-0.

**REPORTS OF CITY OFFICIALS**

MAYOR, Mr. Burkhardt – The Mayor’s Monthly Court Report Receipts for July, 2014: Mayor’s Court Costs/Fines/Fees/Miscellaneous receipts were \$2,740.63, Bonds forfeited \$250.00, and total to St. Bernard was \$2,990.63. Total to the County was \$15.50. Total to State was \$774.50. Total Disbursements were \$3,780.63.

I am very excited to announce the official grand opening of the new St. Bernard Service Center, Saturday, August 30<sup>th</sup> from noon until 2:00pm. Please join us on this very special occasion: tour the facility, meet with the staff and enjoy refreshments prepared by the St. Bernard Recreation Department.

AUDITOR, Mrs. Brickweg – The Auditor’s Office has prepared Ordinance 35, 2014 for tonight’s meeting. This Ordinance provides transfers:

**FROM GENERAL FUND**

5-A-19 General Fund Transfer Out \$950,000.00

**TO CASH ACCOUNTS:**

05-1000 Master Plan Cash Account \$150,000.00

31-1000 General Bond Retirement Cash Account \$600,000.00

51-1000 Employee Health Plan Cash Account \$200,000.00

These transfers are taking money out of the general fund and putting it into the correct cash accounts so the appropriate invoices can be paid through these accounts.

It also provides additional appropriations to:

01-2-I-9	Professional Services	\$25,000.00
01-2-L-3	Civil Service Medical Exams	\$250.00
01-2-L-8	Civil Service Psychological Tests	\$500.00
01-2-L-9	Civil Service Entry Tests	\$500.00
01-2-L-10	Civil Service Promotional Tests	\$1,100.00
01-7-2A	Tuition and Training	\$350.00
01-7-A-10	Fire Hydrants	\$3,000.00

07-04	Vine St. Streetscape Project	\$401,464.98
07-05	Service Garage Project	\$2,276.78
07-06	Safety Center Project	\$2,257,036.47

The \$25,000.00 to Professional Services is for outside legal Council when needed. The various additional appropriations to the Civil Service are needed because of employees retiring, therefore the need for new employees and promotional testing. The \$350.00 to Fire Tuition and Training is needed because of a check we received when the bank credited the wrong account. Since the check went in the general account we need to appropriate the money again. The \$3,000 to Fire Hydrant is to cover repairing broken fire hydrants.

The \$401,464.98 for Vine St Streetscape is money received from Cincinnati Water Works for a new water main on Vine Street. It needs to be appropriated so it can be used for the project. The \$2,276.78 for Service Garage Project is the insurance payment the Village received for the stolen wire. Again it needs to be appropriated to be used. The additional appropriation of \$2,257,036.47 to the Safety Center Project is the remaining money of the bond to be used on the project.

Council and the Administration were given the July 2014 Expense, Revenue and Fund reports from our software system along with updated expense and revenue spreadsheets. Copies of these reports are also available at the front door of Council Chambers. In July, the Village received \$1,101,764.11 in revenues, included in that number is \$401,464.98 received from Cincinnati Water Works to pay for the new water main. Comparing the 2013 to 2014 year to date, with the Water Work money out, the Villages revenues are up \$491,281.41. The expenses for July were \$1,413,103.82. Of that \$29,610.00 was spent on Vine Street Streetscape project, \$151,849.12 on the new Service Garage Building and \$18,250.97 was spent on the new Safety Center. Comparing the year to date 2013 to 2014 expenses with the projects that use bond money removed, the expenses for 2014 are up 64,827.78.

DIRECTOR OF LAW, Mr. Walden – First of all, I have made the requested changes to Ordinance No. 34, which is up for reading tonight. These changes consist of changing the title Auditor’s clerk to Deputy Auditor and adding a new section (12) which states that for the effected elected and appointed employees, their start date is when they are initially sworn into the position, and that if they are reelected or reappointed to that same position it is considered continuous employment.

Second, several Council people expressed concerns about who could and who could not vote on 2 upcoming Ordinances. After speaking to John Rowski of Ohio Ethics Commission at length today he stated that Ray cannot vote on the City Hall employees Ordinance due to being on Heidi’s insurance. But that Andy and Patty can vote on the Service Dept. Ordinance when that comes up as they are not covered by their brothers’ insurance.

Third, Ordinance No. 29 is on the table for its second reading tonight. Due to agreement between the owner of the property and the Friars Club that Ordinance is no longer needed and I would recommend a motion to table Ordinance No. 29 when it comes up later in the meeting.

Finally, I attended the Laws Contracts and Claims Committee meeting tonight at which time we discussed several topics which I know Cindi will discuss.

TREASURER, Mr. Ungruhe – This evening I prepared the Fifth Third securities inventory report showing the bonds that we have with them. They currently stand at \$2,920,000.00 the second of this year.

SAFETY DIRECTOR, Ms. Van Valkenburg – As of August 1<sup>st</sup>, 2014 the Building Dept. has issued 83 permits: 36 permits are OBC regulated construction, year to date RBC regulated construction is 47 permits.

Approximately 130 inspections were made on commercial and residential projects, 36 plan examinations and reviews.

On the HIP Program, May 1 through June 1, there were 24 initial home inspections on Church Street. I will get updated information for you for next week.

There were 15 initial home inspections on Park Place. There have been 35 follow-up inspections on Sullivan and Vine Street, 6 sets of orders issued, 23 sets of orders pending. On Church Street one of the issued orders have been completed. The other two have been called and set up a timeline for completion. There is a follow-up inspection waiting for a property on Vine Street.

SERVICE DIRECTOR, Mr. Stegman – The week of August 18<sup>th</sup> StreetScape will begin. Adleta Construction will start the Water Works project at the corner of Washington and Vine and go up to Bertus. They will go up to Bertus St. As Peggy stated in her report, the Water Works has paid their portion of the contract. Now there is a chance that there could be more, additional adds that the Water Works will have to pay for or at some point. If they go under their amount we may have to return money to Water Works. They have paid that money in full.

The reason for the Call Command the other night, and I wanted to make sure I said it on Council floor in case somebody wasn't tied to the Call Command, a resident had called me this past week and said he was talking to a group of residents and a resident had brought up that somebody had knocked on their door and said that, while Duke is here, while they're doing the gas mains, if you want to be tied into your home it will cost you \$800.00 if you do it now, but if you don't do it now it's going to cost you \$2,800 later. That's why that Call Command came out because that is totally false. It has happened in other areas where Duke does some projects. There will be scammers out there try to take money from people. Duke does pay for this whole work. There is no out of pocket to the residents for this Duke project that is in our community. If you do see it, please call the Police so that they can catch these people. Duke will prosecute them, even if it's the contractor. They are looking for these type of folks. So like I say if you didn't get this Call Command, if you have any questions about that, please call me and I'll inform you what to do when they do come out.

Also, I'd like to be put on the COW agenda to discuss the Ross Ave. project. We did receive that grant, rather the low interest loan for \$435,000.00 and by Sept. we need to make a decision whether we're going to accept it or not so I'd like to be put on the COW agenda to discuss that.

TAX COMMISSIONER, Mr. Geiser – Two weeks ago, the President of Council and myself went to a meeting down town. Some of you may know that Mike is on the Hamilton County Municipal League. He is a Board member. They asked the Board members have their prospective tax advisers come with them to the meeting. The meeting was set up by the Ohio Municipal League and the purpose of it was to see who was in favor of House Bill 5. The status of House Bill 5 is that it has been passed by the House. It is now pending before the Senate and the Senate is currently in the process of reviewing it but they're in recess until November and this will not be passed until after the November election. It's pretty clear that this Bill is going to pass. I think the Ohio Municipal League is resigned to the fact that it's going to be passed. The big question is how it's going to affect not only all the cities but St. Bernard fiscally. The purpose of the meeting again was to talk to these Senators who are in favor of it and they're focusing on seven issues that

they're trying to aware these Senators on how these seven issues are going to affect the cities. I think the meeting was very valuable in that it did persuade the Senator who was there, there was only one Senator there, Bill Seitz, to at least listen to some of the ideas that the cities are trying to propose to the Ohio Municipal League. I think Mike would agree that Mr. Seitz is a very outspoken individual. It was quite an interesting meeting. The representative from the Ohio Municipal League did a great job expressing our point of interest, our views, and I think he persuaded him to take a look at it. The meeting was very good, it was over two hours long. Again, the bottom line, it's going to pass, how it's going to affect us, St. Bernard, it will affect the Tax Office for sure. There's going to be a lot of changes of how we operate. For example, there one addition into the law that says you have to send everything out by Certified Mail now. That's going to cost us a lot more money. So, there are a lot of little costs. It will have some big affect on the bigger cities. One of the factors is the five year look back period. We're already at five years so it's not going to change that one for us. One interesting note I wanted to bring out is that Mayor Cranley from Cincinnati was there and he had a large contingent of individuals and he was very, he spoke up a lot, there was a lot of discussion, there were both parties, Republican and Democrat obviously. He spoke about how the cities were united and even through many of them there were Republicans, they worked together. So he kept changing the conversation to Senate Bill 282. He seemed more interested in that and so the conversation turned to 282 which was not on the topic of discussion. 282 you remember is the law that says that cities can no longer tax non residents. I think that Mayor Cranley was more interested in talking about that. What's interesting to note is Bill Sykes is in favor of that law. I think for the wrong reasons. The Tax Commissioner from Cincinnati explained to him his reasoning and tried to set him straight that it will affect the cities. He's a big Township guy so he likes to talk about Green Township a lot. The discussion turned to 282. He pretty much said 282 is dead. But, there is momentum growing to put this issue on the State ballot. There's a lot of people now in favor of it. The last time I spoke about this, in Loveland their income level could go up by \$1,000,000.00 if this goes through so obviously Mayor Cranley was very, very aware of this as it's going to really hurt Cincinnati and St. Bernard. He kept bringing up the fact that we have to work together to try to stop this. In fact, at the meeting he met with, after Mr. Seitz left, he met with a lot of city officials. We need to get this out in the open. What he kept suggesting was to get the media involved. Looking at our figures, if this were to go through, it's not on the ballot this fall, but it's on the radar and he said momentum is growing and he is in favor of it, it would devastate St. Bernard. It would affect \$5 or \$6 million dollars that comes in through the Tax Office. I want to put you on the radar on this, that we have to start thinking about it. Ways to stop it, ways to get it to the public, what's going to happen I don't know but obviously for the Mayor of Cincinnati to come and be that concerned about it, it's serious.

## **REPORTS OF STANDING COMMITTEES**

FINANCE, Mr. Tobergte – I am just announcing my next Town Hall meeting will be Tuesday, August 12, 7:00pm, lower level of City Hall.

SAFETY, Mr. Culbertson – I would like to once again congratulate Kerry Meyer on being our new Fire Chief and wishing him luck in his new position.

SERVICE, Mr. Asbach – I have the Service Dept. report for June. There were 37 trucks placed at residences, 26 dumpsters placed at residences, 98 special pick-ups

at residences and 201.32 tons of garbage taken to the landfill. 33.68 tons of recycling material, and 2160 pounds of scrap metal.

PUBLIC IMPROVEMENTS, Mrs. Schildmeyer – I would like to thank Phil. I got a call from a neighbor on Tower about the parking on Tower and Meadow. Within about 15 minutes after calling Phil, the neighbor called me back and said that Phil was already up there and they were very impressed. So thank you Phil for taking care of that for them.

I would also like to congratulate Kerry Meyer and his family.

LAWS, CONTRACTS AND CLAIMS, Mrs. Bedinghaus – Tonight the Laws, Contracts and Claims Committee met and we will have a discussion at COW but basically the Committee agreed upon, currently in our Ordinance there is a time frame for our parks to close. Ross Ave. and Vine St. parks close at 11:00pm. Other parks will close at 10:00pm. We are not going to change that piece of it. What we are asking our residents to do if they see anything that they need to report to the Police, please do so.

The other piece of this that we are going to be adding is the grilling. We are going to have in this Ordinance, stating that there will be grilling in the designated areas at Vine St. and Ross Park or otherwise by permission of the Service Director in the Village of St. Bernard. That will do away with the grilling in other places, those areas, but still give the ability for like St. Clement Festival to still have permission to grill down at Vine St. Park in what they would consider a non-designated area. That door is open, however, other grilling will be confined to Ross and Vine St. parks in designated areas. There will be more at COW.

BUSINESS AND INDUSTRY, Mr. Kalb – No report.

HIGHWAYS AND TRANSPORTATION, Ms. Hausfeld – For the month of July the Dial-A-Ride had 1,362.

Mr. Asbach – The COW report has been submitted to the Clerk.

Committee of the Whole  
July 24, 2014

1. The meeting opened and Council voted 6-0 to go into Executive Session to discuss pending litigation and contract negotiations. Council returned after the discussion about pending litigation and contract negotiations.
2. Council approved the minutes of the July 3<sup>rd</sup> Council meeting.
3. There was a discussion about Ordinance No. 29, an easement for the property near the Friars Club. The Ordinance will have its second reading in two weeks.
4. Mayor, Bill Burkhardt
  - A. Asked Council for an Ordinance to fulfill the fix it provision in the April 30, 2012 settlement agreement for 441 Bank Avenue. Council voted 6-0 to put the Ordinance on the table.
  - B. He also asked for an Ordinance that spells out the benefits for all City Hall employees. Council voted 6-0 to put the Ordinance on the table.
5. Auditor, Peggy Brickweg
  - A. Told Council that there are some line items that are very low and asked for an Ordinance for additional appropriations and transfer of funds to certain line items. Council voted 6-0 to put the Ordinance on the table.
  - B. Reported that our audit was done and it was approved.

6. Law Director, Curtis Walden
  - A. Has been working with Kim Burke on the negotiations with the Ohio Attorney General on the Bank Ave. fine.
  - B. Has been meeting daily, along with Phil and Bill, to oversee the work being done at 441 Bank Avenue.
  - C. Said that he is doing research, for the Laws, Contracts & Claims meeting on Thursday Aug. 7<sup>th</sup> at 6 PM , on park closing times and open grilling.
  
7. Safety Director, Valerie Van Valkenburg
  - A. Reported to Council that one fire hydrant needs to be replaced and others need work. There is \$4,000.00 encumbered and only \$816.27 left in the line item. She will get the amount that is needed to complete the work.
  - B. Thanked out going Fire Chief Don Moeller for his many years of service as a firefighter and Chief.
  - C. Said that there will need to be a Captain's test because of the retirement of Brian Wurster, who is officially retiring in September.
  - D. Said that we might need additional money in the police dispatcher's line item later in the year.
  
8. Service Director, Phil Stegman
  - A. Reported that an air conditioning unit at City Hall went out and needs to be replaced for a cost of \$15,901.00. Council gave a voice vote of 6-0 for the expenditure from the miscellaneous line item.
  - B. Said that they met with the business owners on Vine St., for the streetscape project. All businesses will be kept up to date on the work schedule.
  - C. Reported that he had to fix a valve at the pool that reduces pressure. This item might have to be addressed now or at the end of the season.
  
9. Finance, Don Tobergte
  - A. Reported that his next Town Hall meeting will be on Aug.12<sup>th</sup> at 7PM downstairs.
  
10. Public Improvements, Diana Schildmeyer
  - A. Reported that the Friars Club is dedicated to making kids first on the court. They have been serving children through sports for 154 years. The Friars Club is dedicated to taking kids off the street and giving them a safe home to work, play and grow in their new 4 court workout facility and learning center. The Friars Club Grand Opening will be Saturday September 6<sup>th</sup>. Please join us in welcoming the Friars Club and their spectacular new building to St. Bernard.
  
11. Safety, Ray Culbertson
  - A. Gave the police report for June. During the month of June, officers were involved in 684 calls for service. Of those calls, officers responded to 23 accident reports and took 40 offense reports. Officers cleared a total of 26 offenses. Officers made 68 misdemeanor arrests and 4 felony arrests. Officers responded to 33 parking complaints and issued 11 citations for parking violations. Officers issued 30 traffic citations, 2 DUI arrests and 63 warnings. Officers responded to 88 calls for suspicious activity, vehicles or persons.
  - B. Reported that Steve, Diana and he attended the Friars Club open house tonight, on behalf of the Mayor. This wonderful facility will be a great addition to St. Bernard.
  - C. Congratulated former Fire Chief, Don Moeller, on his retirement and thanked him for his many years of service to our City/Village.
  
12. A resident of Broermann Ave. told Council that the work on I-75, and the railroad bridge, is going on until 3AM. The Service Director attended a meeting with ODOT and asked residents to call City Hall if they have concerns.
13. Council voted 6-0 to excuse the absent member.

Respectfully submitted,  
 Steve Asbach  
 President of Council, Pro-Tem

## **COMMUNICATIONS**

None.

## **RESOLUTIONS AND ORDINANCES**

Motion by Mr. Asbach, seconded by Mrs. Schildmeyer to read this evening's Resolutions and Ordinances by title only. Motion passed 7-0.

Mrs. Brickweg – I'm sorry, before you read Ordinance No. 35, I see a typo. If we amend it now before it's read – on Tuition and Training it should be 7-A-2A.

Mr. Peck – Let's change it beforehand. We can then go on with the Ordinance as is.

Motion by Mr. Asbach, seconded by Mr. Culbertson to table Ordinance No. 29, 2014. Motion passed 7-0.

**ORDINANCE NO. 34, 2014. AMENDING SECTION 159.17 D OF THE ST. BERNARD CODIFIED ORDINANCE RELATED TO BENEFITS WITH CERTAIN FULL TIME EMPLOYEES, AND DECLARING AN EMERGENCY.**

Motion by Mr. Asbach, seconded by Mrs. Schildmeyer to suspend with the second and third reading of Ordinance No. 34, 2014. Motion passed 6-0. Mr. Culbertson abstained.

Motion by Mr. Asbach, seconded by Mrs. Schildmeyer to adopt Ordinance No. 34, 2014 as read. Motion passed 6-0. Mr. Culbertson abstained.

**ORDINANCE NO. 35, 2014. AUTHORIZING AND DIRECTING THE AUDITOR TO TRANSFER AND PROVIDE ADDITIONAL APPROPRIATIONS AND DECLARING AN EMERGENCY.**

Motion by Mr. Asbach, seconded by Mr. Culbertson to suspend with the second and third reading of Ordinance No. 35, 2014.

## **REMARKS**

Mr. Kalb – Don't we need to amend that one item and add the extra A?

Mr. Peck – No, it's already been changed.

Mr. Kalb – Oh, OK.

Mr. Walden – I was going to raise the same question.

Mrs. Brickweg – I'm not the attorney here but I believe you can correct a typo before it's read and then it is read after the correction has already been made.

The motion to suspend passed 7-0.

Motion by Mr. Asbach, seconded by Mrs. Schildmeyer to adopt Ordinance No. 35, 2014 as read. Motion passed 7-0.

## **OLD BUSINESS**

Mr. Tobergte – Valerie, you gave all the reports of the Building Inspector. Any word on the Rental Program about where we are on inspections, how many? Also, a PO came through for the traffic self monitoring is that for repair or?

Ms. VanValkenburg – I'm glad you brought that up, I was going to address that and it slipped my mind. The Chief had looked into whether or not we could actually borrow somebody else's but those were not viable options. I talked with the Chief about it to find the money in his budget. I think we're just going to go ahead and based on what it would cost to repair as far as replacement and given the age we should just go ahead and get the new one.

## **NEW BUSINESS**

Mr. Tobergte – I know I'll be accused of micro managing but I've been getting phone calls from Firemen and Firemen's wives. Is the Chief allowed to take the car home now, Bill?

Mayor Burkhardt – We're letting the Chief take one car home because it has lights and sirens due to if there is an emergency it would be a lot quicker for him to get here to St. Bernard that way than to not. That was just my decision to let him do that.

Mr. Tobergte – So we are still doing all the maintenance and gas and all that?

Mayor Burkhardt – Yes.

Ms. VanValkenburg – It is the Inspector's vehicle so at the end of the day when it's not being used by the Inspector, that is the car he is taking.

Mr. Tobergte – If memory serves me right, it's kind of an old car so with the extra mileage it's going to be, do we have to buy him a new car. Would it be cheaper to put lights and sirens on Kerry's own vehicle?

Mayor Burkhardt – No. Have you seen the truck that Kerry drives?

Mr. Tobergte – Not my problem. In this overtime, the 72 hours of overtime, were any of this due to retirements? Is that going to keep on building up or?

Mayor Burkhardt – We're working on ways to that to be kept down on the overtime until we can get everybody appointed and moved up. We will be short one person and we're using PTO time to cover some of that which is preferred time off.

Mr. Tobergte – Peggy was talking to me, is that time and a half, preferred time?

Mayor Burkhardt – Yes, it's time that you would hope they would use. It's time off that won't create overtime. They can't use it to create overtime.

Mr. Tobergte – Or they can build it up and cash it out when they retire?

Mayor Burkhardt – The most they can build is 360 and there's quite a few of them at 360 already. A lot of the new ones have zero.

Mr. Tobergte – Peggy you said you had no?

Mrs. Brickweg – I haven't seen it lately but the last time I looked at it there were a couple of 360s but I do have one question now that I hear about the car, I need to know about the liability. I'll have to get with Kerry because that's something I'm going to have to learn how to do. I've never had to do that before but I know that was one thing Walt had to do before so I'll have to get with him now.

Mayor Burkhardt – I've got a list of the DTO time, I can get it for you. That too is a temporary fix until we can get everybody hired and put back in place. The next move will be as soon as Greg Lipp gets back from vacation. I will be swearing him in as the new Captain and then after that I will swear in John Schutte who placed first on the Lieutenant's test and move him up to Lieutenant. Those will happen as everybody gets back from vacation.

Mr. Tobergte – Are you planning on replacing the inspector or will we be having?

Mayor Burkhardt – Presently we're going to, because we're going to give another Captain's test, because we will be two short Captains, because one is leaving.

Mr. Tobergte – Couldn't Gregg Lipp be one of the short Captains?

Mayor Burkhardt – Yes he is a short Captain but we'll probably end up two short of Captains and in the mean time the Captain will do the inspections.

Mr. Tobergte – Is that going to be permanent or do you plan on hiring an inspector?

Mayor Burkhardt – We'll probably move one up to Inspector eventually but not in the near future until we can get everybody in place.

Mrs. Schildmeyer – I would like to reiterate the Mayor's plan to give lights and sirens to our new Fire Chief. He needs to get back here fast if we need him and I'm sure it's at minimal cost. So I would like to reiterate the Mayor's plan, I support that plan.

#### **AUDIENCE WISHING TO ADDRESS COUNCIL**

Kerry Meyer, St. Bernard Fire Chief – I just want to address the DTO thing. I had a meeting with the Mayor after, actually it was my official swearing in, so I could start work last Monday, and he knew about the shortage of overtime that we have in our budget and I was trying to be creative and find some way to not come back for more money and definitely not run shorthanded. I know this is an idea that former Chief Moeller had brought up and it was not implemented and it was just a way to try to save overtime. As Mr. Tobergte said we have, what I'm calling the hole, short men right now, so with the shift being short, we're going to have basically guaranteed overtime every third day on that shift. Also the way DTO works, I don't know if you guys remember this, years ago the Firefighters were

allowed to work their Kelly Days to get the time and a half PTP like they do now and many of us were able to bank huge amounts and most of the DTO that is on the books for the City right now is from that policy that's been gone like eight years ago. There's not very much that gets earned anymore and actually look at the numbers and so far, just so far in 2014, the City's liability has actually gone down by over 300 hours. I think 200 and something hours is what's been earned total for the department and I can't remember your high 500s to low 600s had been used. When it's used, when it's scheduled it's not allowed to cause overtime. So I want you guys to be clear that, yes, some people could potentially bank this and cash it out at the end of their careers. That's the only time they can do it. They can't do it any other time. They can't do it at the end of the year or anything like that. So the idea is, if it's taking the place of overtime, that even if they are to bank it and cash it it's just a wash because it would be overtime anyway. They will not be able to work any part of their Kelly Day unless it's hour per hour saving overtime. I just wanted to make that clear that that's the way it is working. It's just a creative idea I was trying to make my overtime budget last because, especially with us being short, there's no way that the overtime budget I have is going to last with the manning requirements that we have. We would have to change our manning requirements which I'm very much against or I'm going to have to come back for more money. This was an attempt to try to stop that or at least to slow it down.

Mr. Tobergte – Kerry aren't we just kicking the can down the road? If they bank the time when they retire they're going to be getting paid out a higher rate?

Kerry Meyer – If they bank it and don't ever use it, yes, that would be the case. But my experience is that people will use it. Like I said, so far this year there's been 200 earned and 600 used. The net gain to the City so far this year is plus 300 hours so it's going in the right direction. I believe that especially the younger people, as they bank this, I believe that they are going to use it and not cash it out at the top. For those people we'll have many, many years to maybe tweak the policy, see if we can change some things in the contract if we need to, if people have concerns. But, yes, if they were to work it and never ever take it off it would be kicking the can down the road. But I think experience tells me that most of that will be taken off. Like I said, most of the large amounts that people have was from the old system, not from the system we've had for the last eight years.

Mrs. Brickweg – I just want to give a little bit of concern that I have from the Auditor. A lot of the people that do have the higher amounts are the ones that are the older employees that probably will be retiring soon. My only fear is it was always the goal of Council to get away from these big payouts when people retire and we're going that way, to be honest, and if you look at the contract, the newer people can't even do it. So now, I just feel like we're taking a step back and I did voice this to Bill, that if you have somebody making money at \$25.00 an hour and then when they retire they can do it in a lump sum and you're going to find that out next week at the COW because I had to cash out some another way because I had to cash it out. But that is my only fear, if I have to look at this as a liability every year with the state and tell them what I..... I think it's a good idea, if you want to use it in the interim, but if you're going to use this from now on it won't get it. But like you said if it was earned when they could work their Kelly Days then I think they can work their Kelly Days.

Kerry Meyer – They can only work, it is, the only way they can earn it is by working their Kelly Days, but the only time they'll be allowed to work any part of any Kelly Day is when they are saving overtime. The old system they could do it anytime they wanted whether the City needed their manning or not. Now it's going to be strictly if there's overtime created, instead of calling someone and paying them time and a half overtime, the first call is going to go to the person on Kelly Day to see if they will work it for DTO instead. And if that person says no, then you're going to have to call somebody in on overtime.

Mrs. Brickweg – See that's not the way I heard it. I need to ask another question because what I heard is probably not true either. If you decide not to work your Kelly Days, you can ask somebody else to work it for you and they can get 36 hours in DTO?

Kerry Meyer – That's correct and the reason for that is because it's to save the City. If someone is busy it gives them an opportunity to possibly, what I think, is to save the City money. The whole policy is designed to save overtime and nothing else. Yes, if they're busy that day because they have plans they can find someone else to work it. That's the way we used to be able to do it under the old system is you could have guys work it so because what I believe the benefit to the City is why I was going to allow that.

Mayor Burkhardt – I just want to reiterate, this is until we can fill the spots that we have to fill.

Mrs. Brickweg – I think that's part of the problem. Everybody thinks this is a permanent thing and that's what I thought and I would have that liability but no it's only temporary.

Mr. Tobergte – When you talked about the Kelly Days like if Andy is on duty or is on his Kelly Day, you call him and he says I can't work but Don will work for me if I get the DTO?

Kerry Meyer – In that case, Mr. Kalb would get the DTO because it is his Kelly Day. You're working for him and he would have to pay you his hours back. But again that would only be to save overtime.

Mr. Tobergte – But on the timesheet, who is listed as actually working that day? Would it be Andy, Me?

Mrs. Brickweg – Well we've never had to look at that. I don't know, I haven't done this yet, so.

Kerry Meyer – I think I can answer that. It would be Andy because anytime someone switches shifts at the Firehouse, the person who is supposed to work gets down on payroll as being working because due to FLSA law, it's not the employers' responsibility to track trade-ups like that. So whoever is supposed to be there is who gets credit for it but the thing they work out with whoever is working for them or who they need to work for, that is between them and under the law, the employer has no responsibility in tracking that.

Mr. Tobergte – So I'm working for Andy, Andy is on the timesheet as being there and I get hurt.

Kerry Meyer – You're on report as being on duty, its trade assigned, it's not like you're not, you just asked about the timesheet. That's how the timesheet would be. On the report at the Fire House you'd be listed as being on duty working for Mr. Kalb.

Mrs. Schildmeyer – Steve and I just had a suggestion, we're self-insured. So who pays the insurance?

Mr. Tobergte – Workmen's Comp.

Mrs. Brickweg – We're not self-insured with Workmen's Comp. We pay into Workmen's Comp.

Mrs. Schildmeyer – So who is responsible for Workman's Comp then?

Mrs. Brickweg – The City.

Mrs. Schildmeyer – So it doesn't matter who is working the shift?

Mr. Tobergte – Well if you get hurt, and if you're not listed as, you're not on the timesheet as working?

Mrs. Brickweg – I think the answer to the question is as Kerry answered it and Diana I understand we're health insurance self-insurance but we pay into the Workers' Comp. We're not self-insured with Worker's Comp. We pay into it. But like he said, whoever is working is listed as working and they would be covered under Worker's Comp.

Mrs. Schildmeyer – I commend you for trying to save money for the Village. Thank you.

Mr. Tobergte – A couple of things I forgot, the next Block Watch meeting will be the 19<sup>th</sup> of August, SWAT was not able to make it last month. They will be here this month. 6:30PM, Tuesday the 19<sup>th</sup>.

I'd also like to be placed on the COW agenda. We had an email from Elaine, I guess from Bill about a candidate wanting to come and address Council. I talked to Curtis, with all of our meetings on TV, with the equal time requirement, I think we open a can of worms letting anybody come down so I'd like to put it on the COW agenda to add to our Council rules about candidates and issues not being able to address Council.

Mayor Burkhardt – We also might want to have Curtis look into the fact that we are open meetings and anybody can come and speak and we do open it to the public. We did have a few politicians come down here and talk before and we've also had people talk about levees before too. You're skating a fine line by trying to shut somebody out. If they want to come and talk, I say let them come and talk and if their opponent wants equal time, let them come. Otherwise I think we open ourselves up for a law suit if we try to say you can't come now, especially after our past practice. I think that's something that Curtis has to look into.

Mr. Walden – I did send an email I think to all of Council that I am looking into that issue currently and we'll try to be in a position to address that at the next COW.

Mrs. Brickweg – I would like to comment on something. I don't know, I missed the Laws, Contracts and Claims meeting tonight, was the Police Chief here? Is he going to be here next week?

Mrs. Bedinghaus – He wasn't here because he had an emergency.

Mrs. Brickweg – OK, because I'm going to be honest with my concerns. At 11:00pm in the dark, that's the problem I'm having at least up in our neighborhood, the kids are hanging out in the dark. I've called the cops and the cops say they won't do anything because it's open until 11:00 at night and they can do whatever they want. I'm just not comfortable living in the neighborhood where I can see a bunch of people over there in the dark and nobody knows what they're doing. I just think it's an unsafe thing. I understand the parks with lights and I understand maybe closing the other parks at dusk and at least it was daylight but that's my only fear and maybe he could come and address that but I just.....

Mrs. Schildmeyer – We should also remind all the citizens that schools open August 20<sup>th</sup> so please be careful with driving.

Mr. Asbach – The next COW meeting will be Thursday, August 14<sup>th</sup> at 7:00pm.

Motion by Mr. Tobergte, seconded by the rest of Council to adjourn. Motion passed 7-0.