

**ST. BERNARD VILLAGE COUNCIL MEETING
DECEMBER 17, 2015**

The regular meeting of the St. Bernard Village Council was held Thursday, December 17, 2015 in Council Chambers.

Mr. Michael Peck - (Mr. Asbach, President Pro Tem) 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.

Mrs. Bedinghaus made a motion to dispense with the reading of the minutes. Mr. Kalb seconded the motion. Council agreed 7-0.

Mr. Asbach - At this time I will turn the meeting over to the Mayor. I believe he has an important duty to perform.

Mayor Burkhardt - Tonight we will be swearing in two new Police Officers. I'd like to have Jessica Thornton and Kyle Connor step forward please.

Mayor Burkhardt swore in both officers and welcomed them to St. Bernard.

REPORTS OF CITY OFFICIALS

MAYOR, Mr. Burkhardt - Immediately following the meeting we will have the unveiling of the plaque for Curtis in the outer hallway. So if everybody would join us at the end of the meeting.

AUDITOR, Mrs. Brickweg - The Auditor's office has been working with the Finance Committee, working on the budget. I have prepared the Ordinance for the January 1st meeting. There's now going to be a little bit of a change which Don will explain in his report and after I make that change I will give everybody the Ordinance for the January 1st meeting. Besides that we're just trying to close out the year and it looks like we will not have a 2014 audit done this year in time. Yep, haven't finished it and he won't get back with us, so maybe next year we'll see how it goes. But we do not have it completed yet.

DIRECTOR OF LAW, Ms. VanValkenberg - You have before you two Ordinances that I prepared for tonight's meeting. Ordinance No. 62 and No. 63. The first one is an Ordinance, 62, that authorizes the Chief to terminate the current agreement with the Medical Director and enter into an agreement with the University of Cincinnati Physicians Company LLC medical director services and the second one is an Ordinance just clarifying the authority of the Mayor to terminate the position of the Tax Commissioner that was previously discussed and I would urge that they be passed.

On a personal note I would like to thank the Mayor for letting me fill out Curtis' term as the Law Director. It has been a pleasure to serve you.

TREASURER, Mr. Ungruhe - I have prepared the monthly Treasurer's report for Village Council.

The receipts for the month of November:	\$ 645,523.68
Receipts for the year through November 2015:	\$12,715,711.73

Copies have been distributed to Council Members, Clerk of Council and the Administration.

SERVICE DIRECTOR, Mr. Stegman - Even though it's my last meeting I thought you might scratch me. I wasn't going to give a report but I just received tonight at 5:00, an email from David Stevenson. He's the property manager at Borman Properties. He takes care of Girl Scout Lane and the Shopping Center over there and he's been going on back and forth with the Library about the parking that is taking place on Girl Scout and he's just putting everybody on alert that signs will go up and at the beginning of the year they will start towing cars. It is private property so there won't be any police action it will just be that they will be towing. I emailed back today and asked him if he could get those up sooner than later to give people some time. I just want to make the residents of St. Bernard know that if you're going to park over there you will be towed. Sorry to say that but on another note I would like to wish everybody a Merry Christmas and Happy New Year. This will probably be my last meeting and I appreciate all you guys and hopefully everything will be good next year. Congratulations to the ones who won.

TAX COMMISSIONER, Mr. Geiser - Absent

REPORTS OF STANDING COMMITTEES

FINANCE, Mr. Tobergte - I want to thank Mayor Elect Estep for meeting with me to go over the 2016 budget. John had a couple of suggestions that we worked into the budget. The Finance Committee met last week to finalize the 2016 budget. I will discuss the budget further during the Old Business reports. I would like to thank Bill, Elaine, Phil, Eddie and Valerie along with the Recreation Department for their work helping our Village grow. Lastly, Merry Christmas to all and may the Force be with you.

SAFETY, Mr. Culbertson - I have the Police Department report for the month of November. During the month of November, officers were involved in 695 calls for service. Of those calls, officers responded to 25 accident reports and took 34 offense reports. Officers cleared a total of 21 offenses. Officers made 71 misdemeanor arrests and 0 felony arrests. Officers responded to 37 parking complaints and issued 4 citations. Officers issued 25 traffic citations, 1 DUI and 42 warnings. We responded to 47 calls for suspicious activity, vehicles or persons. I also have the Fire Department report for the month of November. The Fire Department responded to 82 EMS runs and 15 Mutual Aid EMS runs. They responded to 35 fire runs and 1 Mutual Aid fire run. To echo what Donny just said, I would like to say thanks to Mayor Burkhardt, Phil, Elaine, Ed, Valerie, the people in the Recreation Department, Paul, Sharon, Donnie, Frank and Jamie for the last four years of their service to the community and the residents. They are greatly appreciated. Finally I would like to wish all the residents a Merry Christmas and a Happy New Year.

SERVICE, Mr. Asbach - Under Service I would just like to remind all the residents to please recycle your cardboard boxes and wrapping. Please no ribbon or bows. I know one of the last recycling reports that I gave for Service if we got to the next level we would get more money. So over the holidays, please do your part. Christmas trees will be later in the year.

PUBLIC IMPROVEMENTS, Mrs. Schildmeyer - I would like to say Merry Christmas to everybody. And to Phil, I would never have done this without you.

The Village would never have done so well without you and we have prospered so much and grown so much because of you. I can't tell you how many people say to me how thankful they are because of you. So, I love you and I blame you that I'm in this position today. Merry Christmas.

LAWS, CONTRACTS AND CLAIMS, Mrs. Bedinghaus - I have no report but I also would like to thank everybody for their years of service and wish all the citizens and everybody a Merry Christmas.

BUSINESS AND INDUSTRY, Mr. Kalb - I also want to echo everybody else's sentiments about the current Administration. They've all worked very hard over the last eight years. You have moved St. Bernard forward in a positive manner. And I do appreciate all the years of service to the community and the residents and everybody here appreciates it. Merry Christmas and Happy New Year.

HIGHWAYS AND TRANSPORTATION, Ms. Hausfeld - I too have no report but I do want to thank everybody, just like everybody else did, for all your years of service and all their help to St. Bernard. I know each and everyone of us know you did this because you love St. Bernard and we want to make St. Bernard a better place not just for us but for the future of St. Bernard and the future of our families so thank you and ditto, each and everyone of you. And Valerie I especially want to thank you, and I'm most probably going to cry here. I don't know how you filled in after everything that happened to Curtis, but I want to thank you for what you did because that helped a lot. And I especially want to thank Phil. I have had, over two years, I have had numerous citizens call from the 1st Ward and any time I have had a problem with something that was going on in the 1st Ward, Phil, you always took care of it and I really appreciate it because you actually make me look good so thank you.

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

Committee of the Whole
Dec. 10, 2015

Council approved the minutes of the Dec. 3rd Council meeting.

Mayor, Bill Burkhardt

Asked Council to go into Executive Session to discuss Terms of Employment and possible litigation. Council voted 7-0 to do so at the end of the meeting.

Law Director, Valerie Van Valkenberg

Asked Council for an Ordinance for a new Medical Director. Council voted 7-0 to place the Ordinance on the table.

Service Director, Phil Stegman

Announced that Tom Paul will be the new Service Director and he will begin training him soon.

Treasurer, John Ungruhe

Reported that the balance in the 4th of July fund at 1st Safety is \$5,626.80.

Finance, Don Tobergte

Gave Council a copy of the proposed 2016 budget to review.

Said that he had received an email from Paul Meyers asking that \$59,000.00 that is left in this year's budget be moved into the CIC line item for 2016. Since there was not a plan for that money it was decided to wait until next year and revisit.

Safety, Ray Culbertson

Reported that the next block watch meeting will be Tuesday Dec. 15th at 6:30 in the lower level. Someone from WesBanco will be there to discuss senior banking.

Business & Industry, Andy Kalb

Reported that on Tuesday Dec. 15th Ju Ju Beans will celebrate their one year anniversary. Also that night, from 6-9 pm, you can shop and support small and local businesses at the store.

Council met in Executive Session and discussed Terms of Employment and possible litigation. Council voted 7-0 to place an Ordinance on the table for the police contract and also one for language pertaining to the Mayor's appointments.

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

COMMUNICATIONS

None.

RESOLUTIONS AND ORDINANCES

Motion by Mrs. Bedinghaus, seconded by Ms. Hausfeld to read this evening's Resolutions and Ordinances by title only. Motion passed 7-0.

ORDINANCE NO. 62, 2015. AN ORDINANCE AUTHORIZING THE FIRE CHIEF TO TERMINATE THE CURRENT AGREEMENT WITH THE CURRENT MEDICAL DIRECTOR AND ENTER INTO AN AGREEMENT WITH THE UNIVERSITY OF CINCINNATI PHYSICIANS COMPANY, LLC. FOR MEDICAL DIRECTION SERVICES, AND DECLARING AN EMERGENCY.

Motion by Mrs. Bedinghaus, seconded by Mr. Kalb to suspend with the second and third reading of Ordinance No. 62, 2015. Motion passed 7-0.

Motion by Mrs. Bedinghaus, seconded by Ms. Hausfeld to adopt Ordinance No. 62, 2015 as read.

ORDINANCE NO. 63, 2015. AN ORDINANCE AUTHORIZING THE MAYOR TO APPOINT AND TERMINATE THE POSITION OF TAX COMMISSIONER/ADMINISTRATOR, AS REQUIRED BY OHIO REVISED CODE SECTION 733.85, AND DECLARING AN EMERGENCY.

Motion by Mrs. Bedinghaus, seconded by Mrs. Schildmeyer to suspend with the second and third reading of Ordinance No. 63, 2015.

REMARKS

Ms. Hausfeld - Just so that the citizens know, I would like you, Valerie or Bill to explain why we're doing this and the reason for it.

Ms. VanValkenburg - I think what happened, well what happened initially, was the current Tax Commissioner approached me about it with the current Administration leaving and the new one coming in. He had been looking at whether or not the Mayor, traditionally what had been going on when an Administration goes out the appointed Department Heads go out as well. So when the new Administration comes in they appoint they're own people. The Ohio Revised Code and the City Charter for St. Bernard specifically provide for the appointment of Department Heads, that's your public Safety and public Service Director. There was no requirement that a Tax Commissioner be appointed. The Ohio Revised Code allowed the Legislative Body to decide whether or not the Village would have a Tax Commissioner and in the Charter it did decide to have a Tax Commissioner, and in the language it's quoted in there to appoint or to allow the Mayor to appoint the Tax Commissioner. There was no reference to termination and that is covered under the Ohio Revised Code regarding the Public Safety and Public Service Directors. The Mayor is allowed to terminate those employees as well. And this just opening that was left and it's probably happening because, whereas, you know the Charter mandates Public Safety and Public Service, it didn't mandate a Tax Commissioner. That was left for you to decide. When you decided you did I think it was just probably a little something that didn't get inserted in there, would be my guess, but anyway there wasn't that specifically said that the Mayor could terminate that particular employee who was an appointee. This just ties that up so it makes it clear that like the Public Safety and Public Service Directors, the Tax Commissioner also serves at the Mayor's discretion and that the Mayor can terminate that individual.

Mrs. Brickweg - Please bare with me, I was going to prepare this but I won't have the time, I'm going to say right now I'm really disappointed in almost everyone of you right now. the reason being is I've spoken to everyone individually I spoke with Mayor Burkhardt, and I spoke to John Estep. LeAnn, Sharon, Nick and I have told everyone we can do the job without a Tax Commissioner. You can save almost \$100,000.00. But for some reason you really, really need a Tax Commissioner. I'd love to have an answer when I'm done from everyone of you on, why. Why you believe there is such a need for a \$100000.00 appointed job. You have the opportunity to change St. Bernard for the better. You have it right here in front of you but you're just going to do it the way it's always been done. I'm speaking as the Auditor from the point of view that I hope you all remember you're going to have 1.2 million dollars a year for the next 20 years making payments for bonds. The four of us have said we can do this job and we'll do it together. I've offered to oversee it for not one penny more. And if you look at the Ohio Revised Code it stands in there right now that the Auditor does oversee it. It just blows my mind how we need this appointed position. I think the one thing residents don't know is when I ran I was told it was highly suggested that I contribute back to the Party that I ran with. I don't know if that would help with appointed positions. People get appointed positions that have no training and it just blows my mind that not one person will listen to the four people who could do this job on a day in and day out, instead we'll just vote, to give a high, basically with benefits and a salary, \$100,000.00 away. We are flabbergasted. If you want to ask why the other three are not here, because they're afraid they'll get fired if they come. That's why they're not here. That's why I didn't prepare it because I didn't know what to do because I don't want to see anyone get fired because we stood up for what we believed is right. But as a resident, and watching money get thrown away I decided I had to say something. We know what it is. We know we can do the job. The only thing I have said is if we can't, one, two, three, four months from now

you can appoint somebody. It's real easy. That's all you have to do. It's also been suggested that maybe we hire a part time person to help all of City Hall. I can't tell you the number of times we have no Clerk here. And Sharon and I are answering the phone and trying to do things. This person could help with that. Help with vacation and stuff downstairs. They could help in every department and it would be part time. So this is very frustrating when I'm working my tail off trying to find money and I presented it to everybody and I get, NO, we're going to stick with the appointed positions because we like politically appointed positions because we can give our friends jobs. This irritates the heck out of me. If I can ask I would love to know why all seven of you, each of you think we really, really need this job. And if you know what the job is?

Ms. Hausfeld - I'll be the first one to answer that. I was at the Finance Committee meeting. It was almost done, I know what phone call I got at home from a Council member that said, well lets try it for a year and not fund it and see what happens and if we have to we can fund it later. I am most probably the only Council member up here that has spoke up publically before now and said lets not fund it. Lets save the \$100,000.00 or around \$100,000.00. Lets give the four people that are in the positions a chance to do it and then if we need to do it, then go do it because I am looking at the bigger picture. I am looking at the bond payments and everything in general as far as what it entails. I was shot down 100% and the person that told me lets try it for a year said, well if they're not going to come to defend their department themselves then I'm not going to stick my neck out. Well, I'm sorry, that's what we're here for as Council members to do is to stick our neck out. And each and everyone of you might be mad as hell at me after this but I'm just saying how it is. The night of the Finance Committee it was everybody but Dianna and every Council member said, oh no, we need it, that's what we need, that's not our decision, that's the Mayor's decision. And I'm only one person, that's my two cents.

Mr. Culbertson - Peggy, I have not spoke to you about this. I talked to you, I talked and brought it up that night, there's a lot of things we can look at, people talk about the Charter and moving forward, lets go for it, lets bring it out and lets look at it, lets go through every aspect of it. Patty didn't bring it up that night, but again, nobody was here to explain what was going to happen, how it was going to be done, she just said, lets not fund it. Well, I'm not in a position, if the Mayor wants to come forward or the new Mayor wants to come forward and present that idea then lets sit and listen. Nobody else came forward but another Council person brought it up that night and there was nothing to talk about. We can bring the Charter up.

Mrs. Brickweg - Don't even say that I haven't talked to you about that until I'm blue in the face. I talked to everybody. I've been talking about it for two years. I may as well look at myself in the mirror tonight. Anyway, that's how you got rid of the Street Commissioner. You just put nothing in it. Yes it is your call Council. It is. You get to fund the line item. And we have four employees, can you explain to me why four employees would say, hey we don't want to be paid any more money, but we'll take on a lot more work. That usually doesn't happen in this world. But these four employees were just trying to better this community and if it doesn't work, it doesn't work and we can hire somebody. But I've been talking about this over and over and over and to say you never heard it, you're not going to do that. But all you have to do is not fund it. Just give it two or three months, that's all we're asking. I don't know, I mean do you even know what the Tax Commissioner does besides give his report? I don't think you even do. And that

just blows my mind that nobody will even listen to us. I'm not going to say what he said but

Mr. Kalb - I have heard about this plan before. I'm not going to say it was from a certain individual or not but the rumor mill is strong and I have heard about this plan. I am in favor of keeping the position. Currently we had a record income the last couple of years and I can't relate that to a certain thing because I don't know how that department works but if that department thinks that they should do without it then I need to have a solid plan before I go ahead and cut them off. And with this Ordinance the Mayor can also terminate. So if a year down the road we start looking into the plans and we find out that we can do it with only two people, we can always change course. I just don't want to, again, sit there with the bond payments and everything else. I don't want to risk losing income because we're short staffed four months down the road and then try to play catch up because Ed, for the last eight years, and I can't speak for what Ed has to do every day, but he fought for an extra position and fought that he had so much work to do and everything else and we can all go back and forth on whether that was real or not but he has brought, I'm not saying he, but his department has brought in record income and I don't want to risk that just right off the bat. I want to see how it runs and if we can formulate a plan, put it in place, then I'd be willing to look at that. But to just sit there and not fund the position and not have a plan and just shoot from the hip, I don't think it's necessarily good when we're talking about the department that brings in a majority of our income. That's why I'm currently in favor of this as well.

Mrs. Schildmeyer - I was not at the Finance Committee when Patty suggested this because of my health. Peggy, you are the only one who spoke to me and it was a very brief conversation because I wasn't feeling well. I've heard from nobody else. So nobody else from, Nick to LeAnn to Sharon. They've not contacted me. If they don't want to speak up, then how do we say, we're tying our own hands and tying John's hands. That's not fair to John. I give him the respect that he has earned to make this decision. If nobody else wants to speak up but you, they have to come forward.

Mrs. Brickweg - They're hired. I'm elected. They've already been threatened. They don't want to lose their job. I'm not going to tell you who threatened who. But they have and they're scared. OK.

Mrs. Schildmeyer - They weren't threatened by me. They know my phone number, they can call me and have a conversation with me.

Mrs. Brickweg - You guys make the decision, I'm just saying you have an opportunity and I met the man today and he was very nice but it is hard when somebody comes up to you and says I have absolutely no experience. That is a little, and we will train him, and that's OK, but I guess my only question is and Andy I understand what you're saying but I would rather do it the opposite way. I wouldn't want to bring somebody in and then lay them off because we don't need them any longer. I don't think that's fair at all. But, all I'm saying is you have the funds for it, you want it out there in case anything happens and you're saying lets start cutting costs. And this is a way to cut costs. But we, all four of us, tax payers need to know that also and that's why I just want to get it out there. It's your choice to make and I'm glad I spoke up tonight.

Mrs. Schildmeyer - I think the tax payers need to also realize that amongst all of us, how many tax payers or how many of these employees contacted Council. I have been contacted by nobody so I'm making my decision based nobody calling me and saying they want a different decision. Peggy, you're the only one I talked to and it was literally a thirty second conversation.

The motion to suspend passed 7-0.

Motion by Mrs. Bedinghaus, seconded by Mr. Culbertson to adopt Ordinance No. 63, 2015 is adopted as read. Motion passed 7-0.

Ms. Hausfeld - Just to let the public know too that on this, it is actually the Mayor's choice to hire or fire. It doesn't mean that if he's in there for four years that we actually have to have a Tax Commissioner. I know Andy just said this but I just wanted to reiterate it. He can hire or fire an appointee just like any other Administration.

OLD BUSINESS

Mr. Tobergte - Just to go over the budget a little bit. The Finance Committee did meet last week to work on the 2016 budget. I gave all of Council and the Administration a copy of it. When I spoke to Mr. Geiser last month about the \$1.2 million surplus, he indicated that he did not see any reason why that would drop off. I checked with LeAnn today and she agreed that she did not see any reason for a drop in revenue. With Peggy's estimate of \$2.5 million we are estimating an income of \$13.7 million.. The budget prepared stands at \$13.2 million. We did add \$20,000.00 for fireworks and as the past 3 budgets we are not putting money in for demolition or purchase of property. John wants to continue to go with a case by case basis. There is \$50,000.00 in the budget for marketing. A dump truck with salt spreader and snow plow and pick-up truck for the Service Department is included. Peggy called me this afternoon and informed me that she received a letter from the County that we have to pay property taxes on the Safety Center and Service Department building. She is filing the paperwork so this tax will be a one time event only and we should get our money back. Due to this we need to increase MP-4 to \$100,000.00. I did ask Peggy the question that came up to move the 58-7H Swimming Pool Equipment Outlay from Recreation to Swimming Pool Fund section. I will let her explain. Also the marketing line items need to be moved to the Mayor line items. I did talk to John tonight, he also asked that \$500.00 be put in the Recreation Director Clothing line item 58-4C also adding that back in. That brings the budget back to \$13.2 million.

Mrs. Brickweg - On the one thing, Don, hopefully it's a one time only. It depends on how fast the County works on getting this all cleared up. But we will get money back no matter what. I'm filing it, hopefully they'll get it cleared up by June. What he was trying to explain is, I don't know but it was when the buildings were being built, somebody was supposed to contact them and let them know, we would think they would know a Safety Center would be for public service, but, apparently not, so we're going to get a tax bill on those buildings but, like I said, I'll file the paperwork and we can go back up to three years.

In regards to the swimming pool. I told him the best way to do that, because you don't want to lose the history of that line item, is to, if you really want it under swimming pool, is just create a new one. And you can do that and we can put the money in that and that way we can always bring up the other one if you want to

compare the history but that would be the best way to do the swimming pool line item.

Mr. Tobergte - You want to move that into the swimming pool so you can keep everything in the swimming pool the same or together.

Mrs. Brickweg - I did ask Phil because I really didn't know. And Phil said basically what that is used for is like, he said, the bleachers, the chairs, the umbrellas and the actual equipment.

Mr. Stegman - The told us about it, the Recreation Department, when they opened the pool, what they buy. It's their equipment that they buy. That's why its always been in Recreation. It doesn't have anything to do with the operation of the chlorine and the maintenance and all that kind of stuff. That's what that line item was made for. That's why its always been in Recreation, it's their line item to buy all that stuff.

Mr. Tobergte - Soccer games and at least I can get an idea of getting all the swimming pool stuff together and I can know exactly what the pool is costing because the bleachers and yeah it still will be a cost for the pool.

Mrs. Brickweg - Would you like me to move it? I'll create a new line item.

Mr. Kalb - That was just my question to Council, it was just one of those things where I understood that the Recreation Department were the ones that purchased the bleachers and the benches and the new umbrellas but at the same time I didn't see why the Service Director is charge of every other bit of maintenance. That the pool couldn't handle purchasing a lawn chair or umbrella? Therefore we look at the budget and see that total under pool and have a better idea of what the pool cost verses having to add in a line item from somewhere else. That's my personal suggestion but I can do whatever the majority wants to do.

Mrs. Brickweg - The Recreation Department can still do that from those funds. It would be the same thing. I think it would probably be a smart thing. If you really want to see what the total is for the swimming pool cost, I do think it would be a good move to do that.

Mrs. Bedinghaus - That is the only line item that will move, 58?

Mrs. Brickweg - It's moving but then I also but I also will be creating a marketing one. That's going to be a new line item and as Mr. Tobergte explained, it's going to be under the Mayor's section because what I'm hearing it would most likely be a contracted employer or a contracted firm instead of an employee. So that, that's my question, if it's going to be an employee it should be a separated department but I misunderstood that. They would be the two new line items.

Mr. Tobergte - My hearing of that is that it would be a contracted employee or a firm doing that not hiring somebody.....

Mayor Burkhardt - Yes. It really depends on what you're going to get the best bang for you buck but to me putting it in the Mayor's, you're going to need somebody to kind of oversee it anyway. To me it just makes sense to put it in that line item because he's going to be the hiring authority anyway. That's the reason I thought is should be in there.

Ms. Hausfeld - My only comment is I don't want, I don't have a better word for this, I don't want another employee you scratch my back I scratch you back. I want this to be the best thing for St. Bernard and marketing St. Bernard. So, I don't mind it being under the Mayor's division but I want some clarity in there that is got to be somebody that is trained in marketing and not just a buddy of somebody's. Do you guys understand what I'm saying?

Mayor Burkhardt - You will have final say on who he hires anyway. So if you don't foresee this guy or group being it you have the final say. Hopefully when you're doing marketing you're going to hire a marketing major of some type.

Mrs. Brickweg - This is just my personal opinion, that's why I would give it it's own department. It could go either way. Because the Mayor is the boss of the Tax Commissioner and the Service Director and all that but they have their own Departments. So to me it just made sense for marketing to have it's own department. That way as an employee they would pay them out of there and if it's contracted you would pay them out of there. It's kind of like the same thing. But that way we would cover our base since we don't know. That's my suggestion. Every other Department and every other employee has it's own group and it just seemed kind of odd to place this one just somewhere else. That's why I gave it a separate section.

Ms. Hausfeld - I don't mind it being on it's own, I guess it depends on what all of Council wants thought.

Mr. Kalb - I think in the end it doesn't really matter since whoever we hire is going to come out of that line anyway so whatever is.....it doesn't matter to me.

Mr. Asbach - We'll leave it up to the Auditor.

Mrs. Brickweg - I'll make the Department. Thank you.

Mr. Stegman - I didn't want to say it under my report but we did finally get the blower up running at the PD. Then all of a sudden the seal started leaking. We got carbon monoxide in the building. So there is another test and we have to get the seals for the chamber so I was hoping to have a price by today but it's going to be tomorrow before I get a price. There will be some more money being spent on the blower at the old PD.

On another note, I was down talking to Paul this week and just to let people know the Urgent Care Medical Care has moved on. They are not interested in pursuing the old Police Station. So we're out of the picture.

Ms. Hausfeld - Phil, I'm glad you brought that up because I saw a bunch of people out in front of the old PD the other day with John Goedde, I believe it was, is there anything else going on up there?

Mr. Stegman - Up in that area there were street lights left out in that area so the contractor was redigging to put the metal down in under the ground so they can mount those other two lights.

Mr. Tobergte - I noticed that they are repairing all the cracks. Down toward Washington there is a bunch of cement that was splashed up. Are they going to clean that off or not? Some cement splashed up onto the red sidewalk. They power washed it already but it's still there.

Mr. Stegman - OK, I'll take a look at it. If not I'll make sure Tommy knows about it.

Mrs. Schildmeyer - I've got some more cracks for Tommy up by St. Clement. I've got some complaints about today so good luck buddy.

Mr. Kalb - One more quick question for Bill. I have the information that we discussed in Executive Session last week about the Fire Contract. Do you want to meet again tonight in Executive Session to discuss that?

Mayor Burkhardt - No, get it to Council members. We aren't going to have a meeting until the beginning of the year.

Mrs. Schildmeyer - I would like to go into Executive Session so we can talk about it.

Motion by Mr. Kalb, seconded by Mrs. Schildmeyer to go into Executive Session to discuss the Terms of Employment.

Ms. Hausfeld - I have actually said something to Andy before. I would like Peggy in there. I am not saying for the dollar amounts but Andy was coming up with some benefit things that were different than what I originally told you guys and since I got my information from Peggy I would at least let her come in to talk about the benefits and then go from there. She can leave after that.

Mrs. Schildmeyer - If it's for benefits, I think that I made it very, very clear last week I'm very, very unhappy with the leaking of information going on so Peggy, you were on a boat somewhere so it could not have come from you. It could not have come from you. So I think we need to eliminate you from the process altogether just to keep this a very tight circle so if it concerns benefits, I'm OK with you being there and like I said you were on a boat somewhere and it had nothing to do with you but I would like for Peggy to leave once that gets done.

The motion to go into Executive Session at the end of the meeting to discuss Terms of Employment passed 7-0.

NEW BUSINESS

Mayor Burkhardt - I'd like to do the plaque ceremony before Executive Session.

Mr. Asbach - That will work.

Mrs. Brickweg - Are you talking the Fire Chief or are you talking the Police Department?

Ms. Hausfeld - Fire Chief.

Mrs. Brickweg - I did want to thank those on Council that actually spoke up and answered my question and I just thought of something and I want to say it before I forget. This is for the Safety Director and with the parking problem down there I got a few complaints that the new library is now once again being used as a day care or after school facility. I guess there have been a lot of issues, I don't know. I tried to pass it on to some officers at the Police Department. I don't know if there is anything we can do but apparently there have been issues and parents have been

saying they can't even go in there with their kids because all the teenagers are in there and I just wanted to pass that on.

Ms. Hausfeld - I brought it up last week as far as what if. I know we have a couple more names as far as President of Council. I was told, I know John Metz publically said something, Valerie has put her name in and from what I understand from you Steve, Bill Burkhardt wants to put his name in too. I don't know if there is anybody else interested, I'm still looking for names. I also and I was kind of hoping Mike was here but Valerie since you're still our acting Law Director, I had asked last week, what happens, this is just a scenario, whatever, there's three names, what happens if it goes three, three and one and we don't have anyone to break the tie, who would then break it or do we have to revote after that?

Ms. VanValkenburg - (inaudible)

Ms. Hausfeld - That's what you said but I want it legally so that we don't do something incorrectly.

Ms. VanValkenburg - Off the top of my head, I don't know. I'll be happy to look into it for you.

Ms. Hausfeld - I would like to know that before we vote on somebody on the 1st to be safe. I mean, it might not be an issue but it may be an issue. I also, it was funny because I said something to Andy and Andy said the same thing. I said, but I've been hearing rumors that, this is just another scenario, what happens if our new Mayor, John, would happen to get sick or somehow decide he didn't want, eventually a year down the road, who then, I always thought it was the President of Council, I've been told since then that Curtis looked into this and it's the Law Director. I just want to make sure that everybody up here is aware of that so that, that's another thing that would sway my vote on voting for President of Council to know if I'm voting for a possible replacement Mayor or not. So I kind of wanted to know the legal aspect of that as well.

Ms. VanValkenburg - I'll look into that and give you a report on that as well and I'll get that to you before the 1st.

Mayor Burkhardt - Yes, I did ask Curtis that question a while ago and he said it would have been him if I would have quit. It is the Law Director, next in line. Not the Vice Mayor which used to be the President of Council.

Mr. Asbach - I did make Mr. Peck aware of this concern so he is looking into this also.

Ms. Hausfeld - I just wanted to put it out there because I didn't want it to be all waiting for the 1st and we not know legally what we're allowed or not allowed to do.

Mr. Tobergte - I would like to make a motion to not have a December 29th COW meeting. Hopefully we'll pass the budget on January 1st.

Motion by Mr. Tobergte, seconded by Mrs. Bedinghaus to not have a December 29th COW meeting. Motion passed 7-0.

Mr. Asbach - Just for clarification, we will not have a COW on the 29th of December.

AUDIENCE WISHING TO ADDRESS COUNCIL

None.

Mr. Asbach - Inauguration Day will be January 1st at 3:00pm. The first Council meeting is January 7th at 7:00pm. The next COW meeting will be January 14th at 7:00pm. At this time I would like to ask everyone to meet us out in the hall for the dedication of the plaque to Mr. Curtis Walden.

After the dedication of the plaque to Mr. Curtis Walden, Council went into Executive Session to discuss Terms of Employment.

Motion by Ms. Hausfeld seconded by Mrs. Bedinghaus to adjourn. Motion passed 7-0.