

**VIRGINIA CITY COUNCIL
AGENDA
AUGUST 28, 2012 – 6:30 P.M.**

1. CALL MEETING TO ORDER

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

4. PUBLIC FORUM (Limited to 5 minutes per Council protocol)

5. CONSENT AGENDA (Note: Motion will be to approve the Consent Agenda as listed.)

The following items will be enacted by one motion unless a Councillor or Citizen of the City of Virginia requests that the item be considered separately:

5.1 Approval/correction of minutes of Regular Meeting held August 16, 2012.

5.2 Adoption of Finance Resolution No. 12-015 – Schedule of Bills.

6. APPEARANCES (Limited to 10 minutes)

6.1 Paul Maki regarding request to hold outdoor town meeting at Veteran's Memorial Park on October 20, 2012.

7. UNFINISHED BUSINESS

8. DISCUSSION ITEMS

8.1 Grant Agreement with the Iron Range Resources & Rehabilitation Board for the infrastructure and site work for the expansion of Sundell Eye Associates and infrastructure to 4th Street North for two proposed developments. (If approved, adopt Resolution.)

8.2 Request from Carly Gobats, The 218, 220 Chestnut Street, to rent the empty lot adjacent to her business for a fundraiser on Saturday, September 29, 2012.

9. COMMITTEE REPORTS

9.1 Finance Committee-of-the-Whole (August 21, 2012)

a. Insurance for memorial parks.

b. Telephone line issue.

c. Unidentified telephone lines.

d. Quote to purchase and service new telephone system. (If approved, adopt Resolution.)

e. Quote for telephone service. (If approved, adopt Resolution.)

f. Invoice for ALTA survey for P & H site.

g. Purchase of property. (If approved, adopt Resolution.)

h. Travel request, Dawn Heisel, Library, MN Library Association Conference, October 3-5, 2012, St. Paul, MN.

i. Travel request, Bill Hennis, Lead Engineer, Asbestos Inspector Refresher Course, October 4-5, 2012, White Bear Lake, MN.

j. Travel request, Sue Lien, Police Department, BCA Criminal Justice Conference, September 10-12, 2012, St. Cloud, MN.

9.2 Buildings/Grounds Committee (August 21, 2012)

a. Request from Menard's to reduce right-of-way.

b. Transfer of property to Tritec.

c. Abandoned railway issues – former Staver Foundry property.

d. Conceptual design for area adjacent to P & H Minepro site.

9.3 Personnel Committee (August 21, 2012)

- a. Hiring of police officers.
- b. Police Chief position. (If approved, adopt Resolution.)
- c. Upgrading the Data Entry/HR Generalist Assistant position to full time. (If approved, adopt Resolution.)

10. COMMISSION LIAISON/DEPARTMENT HEAD REPORTS

11. ADJOURN TO TUESDAY, SEPTEMBER 11, 2012, AT 6:30 P.M., COUNCIL CHAMBERS

COUNCIL CHAMBERS

8.1

Resolution No.

City of Virginia, Minnesota, August 28, 2012

Resolution **authorizing submission and acceptance of an Iron Range Resources Grant for the infrastructure and site work for the expansion of Sundell Eye Associates and infrastructure to 4th Street North for two proposed developments**

Resolved by the City Council of the City of Virginia, that

WHEREAS, the City of Virginia (hereafter "Applicant") is a City organized/operating under the laws of the State of Minnesota; and

WHEREAS, the Applicant has a need for a grant to provide the infrastructure and site work for the expansion of Sundell Eye Associates and to bring infrastructure to 4th Street North for two proposed developments (hereafter "the Project"); and

WHEREAS, the Applicant is the owner of the site on which the Project will be undertaken; and

WHEREAS, the Applicant has determined that it will need a grant from the Agency for \$150,000.00, in order to do the Project; and

WHEREAS, the Applicant has submitted its application to the Agency requesting a grant of funds to do the said project; and

WHEREAS, the Applicant understands and agrees that the IRR will not provide funds to reimburse the applicant for any costs incurred for the Project prior to the date on which this Project is approved by the Agency,

NOW, THEREFORE, BE IT RESOLVED that the Applicant governmental unit hereby authorizes and approves making application to the Agency for a grant for \$150,000.00 to provide funds to do the Project.

BE IT FURTHER RESOLVED that the Applicant's Mayor and City Operations Director are hereby authorized and directed to sign and submit an application for the said grant monies and all applicable contracts, documents and agreements associated with the grant or the application for it.

BE IT FURTHER RESOLVED that the Applicant agrees and commits that, following completion of the Project, it will maintain the Project site and any equipment installed in connection with the Project in good operating condition, appearance and repair and protect the same from deterioration, reasonable wear and tear resulting from ordinary use of the property and equipment excepted, for as long as the Applicant retains ownership of the Project site.

Moved by Councillor supported by Councillor that the above resolution be adopted.

Ayes:

Nays:

Approved: (Initials)

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STATE OF MINNESOTA GRANT AGREEMENT

PO ID 3000001357	PO Date 8-20-12	Approval Date	Fiscal Year 2013	Grant Award \$150,000.00
Vendor ID 0000197722	Fund 2370	Fin Dept ID B4335340	Approp ID B43TCPJ	Account 441352

THIS GRANT, which shall be interpreted pursuant to the laws of the State of Minnesota between the State of Minnesota, acting through its Office of the Commissioner of Iron Range Resources and Rehabilitation Board (hereinafter STATE) and City of Virginia, Attn: John Tourville, 327 First Street South, Virginia, MN 55792(hereinafter GRANTEE), witnesseth that:

WHEREAS, the STATE, pursuant to Minnesota Statutes 298, Section(s) .223 is empowered to fund local economic development projects including the construction of water and sewer systems, and other public works located within the Taconite Assistance Area defined in M.S. 273.1341.

AND WHEREAS, the Iron Range Resources and Rehabilitation Board (IRRRB)\Commissioner has determined that the completion of this project will support those purposes.

AND WHEREAS GRANTEE represents that it is duly qualified and willing to perform the services set forth herein,

NOW, THEREFORE, it is agreed:

I. **GRANTEE'S DUTIES** (Attach additional page if necessary). GRANTEE, who is not a state employee, shall:

Use the Office of the Commissioner of the Iron Range Resources and Rehabilitation Board monies provided for infrastructure and site work for the expansion of Sundell Eye Associates and to bring infrastructure to 4th Street North for two proposed developments.

Expenses eligible for reimbursement under the terms of this Agreement will be those incurred since Iron Range Resources Board approval on August 9, 2012, for water, sewer, roads, site work, A&E, and other costs associated with the completion of the project.

IRRRB monies will not be released until the agency has received a copy of the development agreement and commitment letter for the matching funds.

Prevailing wages must be paid on the project according to the attached IRRR Board resolution No. 96-005. This language should be included in the development agreement and bid spec documents.

The applicant will submit a final report to the IRRRB and a site visit may be conducted upon completion of the project.

Architectural and engineering fees in excess of 10% of the total project costs are ineligible for reimbursement.

NOTE: Grantee agrees to perform the above duties in accordance with the plans and specifications in grantee's application which is incorporated into this Agreement and kept on file in the Office of the Commissioner of Iron Range Resources and Rehabilitation Board, and in accordance with the policies as stated in the Grant application manual.

II. **CONSIDERATION AND TERMS OF PAYMENT**

A. Consideration for all services performed and goods or materials supplied by GRANTEE pursuant to this grant shall be paid by the STATE as follows:

1. Compensation shall be consistent with the N/A Budget, which is incorporated into and made a part of this Agreement, and attached hereto as Exhibit N/A.
2. The total obligation of the STATE for all compensation and reimbursements to GRANTEE shall not exceed One Hundred Fifty Thousand dollars (\$150,000.00).

(Certificate of Compliance for private entities); and Minnesota Statutes §116L.66 (Job Listings for grants of \$200,000 or more to any private entity). American's with Disabilities Act 42 U.S.C.A. Sect. 12101.

D. This grant is governed by the provisions in Minnesota Statutes §16B.97 and .98.

E. **State contact person for this grant is Chris Ismil.**

Phone: 218-735-3010; Fax: 218-735-3046.

IN WITNESS WHEREOF, the parties have caused this grant to be duly executed intending to be bound thereby.

APPROVED:

1. GRANTEE:

(If a corporation, two corporate officers must execute.)

By: _____

Title: _____

Date: _____

By: _____

Title: _____

Date: _____

2. STATE AGENCY OR DEPARTMENT:

By: _____

ANTHONY SERTICH

Title: **COMMISSIONER**

Date: _____

OR AUTHORIZED SIGNATORY

By: _____

Name

Title: _____

Date: _____

3. IRRRB FISCAL AGENT:

By: _____

BOB J. SCUFFY, JR.

Title: **ACCOUNTING OFFICER, SR.**

Date: _____

HAUSERS\GRANTS\GRANTS\PWFY13\VIRGINIA,CITYOF(SUNDELL EYE).DOC

8.2

Dear Council Members,

I, Carly Gobats, owner of the the 218 , am requesting to rent the empty lot adjacent to the bar located at 220 chestnut st. on Saturday, September 29th, 2012 for a chicken cook-off fundraiser. The proceeds will go to Bill's house in memory of Beth Holm.

I will provide copies of the insurance waiver and the rules of the chicken cook-off. If you have any questions or concerns feel free to contact me, Carly at 749-1009 or event organizer Alyce Christopherson at 741-2976.

Thank you for taking your time to look this over.

Sincerely,
Carly Gobats

Chicken Cook-off Rules

1. Meat prepared for judging must be chicken. Any type of chicken is accepted. (whole, quartered, wings, etc).
2. Meat must be cooked on location. Wood, charcoal or gas grills or smoker type barbeques are allowed. Par-boiling is permitted on-site only. Electricity is not provided and generators are not allowed.
3. Pre-marinated chickens are allowed, but contestants must mix up another batch of marinade from scratch, on-site. All ingredients used in preparing, seasoning, marinating, basting, or saucing chicken for the competition must be brought to the cook-off, and must be available.
4. All ingredients used in the Cook-off may be store purchased, but must be assembled and prepared at the Cook-off within the cooking period.
5. Each chicken cooker may have up to three assistants.
6. The cooking period will be approximately 8 hours and will start at the cooks meeting at 9-9:30a.m. The cooking period will end at 5p.m. Delivering chicken to the judging area after cooking period has ended can be cause for disqualification.
7. Contestants will only be supplied a designated cooking area. Contestants will be responsible for supplying ALL of their own supplies: utensils, ingredients, equipment, water, etc.
8. Contestants will be allowed to set up equipment starting at 9:00 a.m. All vehicles must be removed by 10:00 a.m.
9. East contestant must submit a minimum of 6 pounds of chicken to the judging area. Cookers cannot pass out "samples" to the general public, nor can they sell their chicken. The remaining chicken after judging will be donated to eat at the 218.
10. Chicken submitted for judging must be submitted in the container provided at the cooks meeting. Feel free to garnish your containers.
11. Bleach water will be provided and a meat inspector will be checking temperatures of meat. Meat should be stored at 40 degrees or lower. Meat that is resting before or after cooking must be covered at all times.
12. Cookers are responsible for keeping their areas clean and sanitary at all times.
13. Cookers are also responsible for cleaning up and removing their grills by approximately 8:00 p.m.
14. Have fun, be safe, and happy cooking!!!!

FINANCE COMMITTEE-OF-THE-WHOLE
Tuesday, August 21, 2012 – 9:00 A.M.
Council Chambers, City Hall

Present: Councillors Cuffe, Ralston, Baribeau, Sipola, Russo, Mayor Peterson
Absent: Councillor Littlewolf

Also Present: Greg Knutson, Walker, Giroux & Hahne; Wendy Summers, Accounting Clerk; Maureen Weidner, Service Solutions; Jim Podpeskar, Podpeskar Agency; Tom Butorac, City Attorney; John Tourville, City Operations Director; Lois Roskoski, City Clerk, Sherry Erickson, Finance/HR Director; Ed Alto, Public Works Team Coordinator; Dennis Benz, Interim Police Chief

Jim Podpeskar, Podpeskar Agency, was present as the City’s agent of record and explained that all City property is insured with liability insurance. Coverage for structures located on City property is referred to as “property in the open” and could be added to the City policy, at a cost of \$8.70 per \$1,000/value with a \$1,000 deductible. Mr. Podpeskar previously quoted a rate of \$12.30 base rate per \$1,000/value with a zero deductible. The League of Minnesota Cities wants the City to insure any of the memorial statutes with replacement value.

Mr. Podpeskar stated the current insurance policy includes structures for Rotary Park and the Bess Metsa Memorial Garden.

Councillor Cuffe stated he would obtain the information from the Veterans Committee on the value of the Veterans Memorial.

Mayor Peterson recommended that staff obtain valuations for the statutes for the Rotary, Veterans and Children’s Memorial Parks, to determine if it is feasible for the City to insure these items.

a. **Moved by Russo and supported by Sipola to table the insurance for the memorial parks statutes until further information is obtained by the City Operations Director, City Clerk and Insurance Agent of Record regarding valuations and estimated costs to insure. Motion carried.**

Maureen Weidner, Service Solutions, was present to further discuss the new telephone system. Ms. Weidner compared the phone lines that the City currently pays for, to the new charges through Enventis, and stated the City would recognize a monthly savings of \$814.97, based on the June telephone billing.

Ms. Weidner reaffirmed her recommendation to accept the quotes from DCR Communications, Inc., to replace and service the City telephone system and from Enventis Telecom for the telephone service.

Ms. Weidner reported there are five telephone lines that are on the telephone bill, but have not been identified, and recommended that the telephone company tag the lines, with DCR to determine what the lines are for when they install the new phone system. Ms. Weidner also stated there are three phone lines that the City is paying for, which belong to the Department of Public Utilities, and offered to place an order to move those lines to the DPU’s phone bill.

b. **Moved by Baribeau and supported by Sipola to authorize Service Solutions to place an order with the telephone carrier to move the three telephone lines to the Department of Public Utilities telephone bill. Motion carried.**

c. Moved by Sipola and supported by Baribeau to request the City's current telephone carrier to tag the five unidentified phone lines and authorize DCR Communications to determine their use while installing the new telephone system. Motion carried.

d. Moved by Ralston and supported to adopt Resolutions accepting the following quotes:

• DCR Communications, Inc.:

- Replace existing phones with Avaya IP Office, at a cost of \$24,997.74
- Service of IP telephone system:
 - ✓ One year warranty hardware and service.
 - ✓ Trip charge is based on hourly rate of \$65/hour.
 - ✓ On-site programming is billed at \$65/hour. Remote programming is \$30/hour.
 - ✓ Cabling is billed at \$65/hour.

e. • Enventis Telecom – telephone service:

- 3 year term - \$365.00/monthly rate.
- Installation fee - \$0.
- Long distance charge - \$0.039/minute.

Motion carried.

Maureen Weidner agreed to determine if it would be feasible for the City to pre-purchase a block of long distance minutes.

Ms. Weidner stated the City could add additional remote sites at a cost of \$189/per phone and purchasing IP end point licenses (blocks of ten for \$440) and she will determine if the license fee is a one-time charge.

Greg Knutson, Walker, Giroux & Hahne, reviewed the significant changes that were made from the preliminary audit to the final 2011 audit, as follows:

- A total of 15 adjusting entries were made.
- Net assets decreased by \$924,680, mainly due to the increased OPEB liability and new long term debt.
- Net assets (Business type activities) increased by \$4.8 million.
- Governmental Funds:
 - General Fund decreased by \$817,900.
 - Special Revenue Fund decreased by \$1.8 million, mainly due to elimination of negative enterprise fund balances.
- Unassigned Fund balances were at \$2 million and should be 35 -40% of subsequent year's General Fund budgeted expenditures, which is between \$4 – \$4.6 million.
- Fund and net asset deficits had a total of \$4.2 million.
- 2011 net OPEB obligation - \$10.5 million.
- Significant Deficiencies:
 - Segregation of duties.
 - Lack of control over financial reporting process.
 - Collateral requirements, which was a Hospital issue, and must be recorded in City audit.
- Internal control and operating efficiency:

- City should continue to implement its payback schedule for non-major governmental funds with deficit fund balances, or consider making the transfers to these funds permanent.
- Determine course of action to reduce or eliminate the continued operating losses in the Golf Course Enterprise Fund.
- Continue to review the operations and cash flow for the Washington Manor Enterprise Fund.

Wendy Summers, Accounting Clerk, recommended sending a confirmation to the vendors for the liquor deposit that the City retains.

Councillor Sipola recommended notifying the Public Utilities of the progress the City has made in funding the City's OPEB liability.

City Operations Director Tourville reviewed the invoice from SEH Engineering, which increased from \$7,500 to \$32,075.50, to complete the ALTA survey for the P & H Site.

f. **Moved by Ralston and supported by Russo to table the invoice from SEH Engineering, Inc., for the ALTA survey for the P & H Site, until further information is received from SEH Engineering. Motion carried.**

Public Works Team Coordinator Alto estimated the costs for the 2012 Spring City wide cleanup cost at \$20,000 and recommended waiting until the Spring of 2013 to hold another cleanup. It was the consensus of the committee to continue to demolish and clean up the blighted properties in the City for the remainder of 2012 and to work on a plan to improve the City wide clean up that will be held in the Spring of 2013.

Discussion was held on the purchase of the tax forfeited property located in the 300 block of 5th Avenue North. Public Works Team Coordinator Alto stated the City crews are ready to demolish the property. City Attorney Butorac stated he has sent St. Louis County notices of the blighted properties that have gone tax forfeit.

g. **Moved by Ralston and supported by Sipola to adopt a Resolution approving the purchase of the tax forfeited land legally described as Lot 5 and the North 21 feet of Lot 6, Block 11, Original Addition, at a cost of \$2,200.00. Motion carried.**

h. **Moved by Sipola and supported by Baribeau to approve the travel request for Dawn Heisel, Library, to attend the MN Library Association Conference, to be held October 3-5, 2012, in St. Paul, MN. Motion carried.**

i. **Moved by Baribeau and supported by Sipola to approve the travel request for Bill Hennis, Lead Engineer, to attend the Asbestos Inspector Refresher Course, to be held October 4-5, 2012, in White Bear Lake, MN. Motion carried.**

j. **Moved by Baribeau and supported to approve the travel request for approve Sue Lien, Police Department, to attend the BCA Criminal Justice Conference, to be held September 10-12, 2012, in St. Cloud, MN. Motion carried.**

Meeting adjourned at 10:40 A.M.

COUNCIL CHAMBERS

9.1 d.

Resolution No.

City of Virginia, Minnesota, August 28, 2012

Resolution accepting proposal from DCR Communications, Inc., to replace and service the City of Virginia telephone system

Resolved by the City Council of the City of Virginia, that

WHEREAS, two quotes were obtained to replace the City of Virginia telephone system and City staff recommended accepting the proposal from DCR Communications, Inc., as follows:

- **Replace existing phones with Avaya IP Office, at a cost of \$24,997.74.**
- **Service of IP telephone system:**
 - ✓ **One year warranty hardware and service.**
 - ✓ **Trip charge is based on hourly rate of \$65/hour.**
 - ✓ **On-site programming is billed at \$65/hour. Remote programming is \$30/hour.**
 - ✓ **Cabling is billed at \$65/hour.**

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Operations Director are authorized to enter into an agreement with DCR Communications, Inc., for the purchase and service of a new telephone system for the City of Virginia offices.

Moved by Councillor _____ supported by Councillor _____ that the above resolution be adopted.

Ayes:

Nays:

COUNCIL CHAMBERS

9.12.

Resolution No.

City of Virginia, Minnesota, August 28, 2012

Resolution **accepting proposal from Enventis Telecom to provide telephone service for the City of Virginia offices**

Resolved by the City Council of the City of Virginia, that

WHEREAS, two quotes were obtained to provide telephone service for the City of Virginia offices and City staff recommended accepting the proposal from Enventis Telecom, as follows:

- **3 year term - \$365.00/monthly rate.**
- **Installation fee - \$0.**
- **Long distance charge - \$0.039/minute.**

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Operations Director are authorized to enter into an agreement with Enventis Telecom to provide telephone service for the City of Virginia offices.

Moved by Councillor supported by Councillor that the above resolution be adopted.

Ayes:

Nays:

COUNCIL CHAMBERS

9. 1 g.

Resolution No.

City of Virginia, Minnesota, August 28, 2012

Resolution requesting the conveyance of State tax forfeited land to the City of Virginia, located at 312 5th Avenue North

Resolved by the City Council of the City of Virginia, that

WHEREAS, the City of Virginia is requesting the conveyance of State tax forfeited land, located at 312 5th Avenue North, legally described as, Lot 5 and North 21 feet of Lot 6, Block 11, Original Addition; and

WHEREAS, the City of Virginia is willing to purchase said property for \$2,200.00; and

WHEREAS, the City of Virginia is desirous of demolishing the existing dwellings and intends to seek funding to achieve such; and

WHEREAS, the City Council is desirous of selling such property after the demolition,

NOW, THEREFORE, BE IT RESOLVED that the City Council recommends that St. Louis County sell the tax forfeited land, as legally described above, to the City of Virginia, at a purchase price of \$2,200,

BE IT FURTHER RESOLVED that the Mayor and City Operations Director are authorized to sign any necessary documents to convey said tax forfeited land to the City of Virginia.

Moved by Councillor supported by Councillor that the above resolution be adopted.

Ayes:

Nays:

**BUILDINGS/GROUNDS COMMITTEE
TUESDAY, AUGUST 21, 2012 – 10:30 A.M.
Council Chambers, City Hall**

Present: Councillors Ralston, Sipola - 2
Absent: Councillor Littlewolf - 1

Also Present: Lois Roskoski, City Clerk; John Tourville, City Operations Director; Tom Butorac, City Attorney

Councillor Ralston called the meeting to order at 10:50 A.M.

City Operations Director Tourville stated people have withdrawn their application to demolish structures, due to various reasons. Councillor Ralston will add the item to the next meeting agenda and request the Lead Engineer to prepare a list of reasons on why people have withdrawn from the demolition program.

Councillor Ralston reviewed information that was received from Dana Hiltunen, HRA, regarding the 2012 Neighborhood Renewal Mini-Grant Program:

Applications approved	22
Funding obligated:	\$10,100
Funding expended:	\$ 4,500
Balance of funds to obligate:	\$ 4,900

City Operations Director Tourville reviewed the request from Menard's to reduce the right-of-way to a size that does not encompass their lumber yard.

a. Moved by Sipola and supported by Ralston to authorize the Engineering Department to determine the specifications to reduce the cul-de-sac radius on 18th Street South, so it does not encompass the Menard's lumber yard. Motion carried.

City Operations Director Tourville reported that he has been negotiating with St. Louis County on the purchase of the four remaining parcels of the former Staver Foundry property that have gone tax forfeit. City Attorney Butorac stated there is an abandoned railway that runs through the property. City Attorney Butorac recommended moving forward and transferring the one parcel of the former Staver Foundry property that the City recently purchased to Tritec. City Attorney Butorac will research the abandoned railway issue on the remaining parcels and work with the railroad to resolve the ownership issue.

b. Moved by Sipola and supported to approve transferring the City owned parcel of the former Staver Foundry property to Tritec. Motion carried.

c. Moved by Sipola and supported by Ralston to authorize the City Attorney to contact the DM & IR railway and research the cost and issues with determining the ownership and title for the abandoned railroad right-of-way that runs through the remaining four parcels of former Staver Foundry property. Motion carried.

City Operations Director Tourville stated there is interest in purchasing the land on the south side of the Inland haul road.

d. **Moved by Sipola and supported by Ralston to authorize City staff to formulate a cost estimate to prepare a conceptual design for the area that adjoins the P & H Minepro site. Motion carried.**

Councillor Sipola reported that a budget will be prepared to refurbish the Olcott Park fountain.

Moved by Sipola and supported by Ralston to request the Mayor to write an immediate letter on the plan to discriminate against the handicapped veterans by not allowing them to participate in motorized vehicles in the Veterans Parade that will be held on August 25, 2012. Motion carried.

Meeting adjourned at 11:25 A.M.

PERSONNEL COMMITTEE
Tuesday, August 21, 2012 – 1:30 P.M.
Council Chambers, City Hall:

Present: Councillors Cuffe, Russo - 2
Absent: Councillor Littlewöf - 1

Also Present: AFSCME Local 454 Representatives - Bruce Grierson, Mary Rozier, Tom Cyr; Ida Rukavina, AFSCME Representative; John Tourville, City Operations Director; Sherry Erickson, Finance/HR Director; Tom Butorac, City Attorney; Rick Puhek, City Assessor; Lois Roskoski, City Clerk; Dennis Benz, Interim Police Chief

Ida Rukavina, Staff Representative, reviewed the class action grievance from AFSCME Local Union No. 454, which was a violation of MN Statute §179A, due to the employer negotiating with an individual employee and offering benefits that exceeded the contract. Ms. Rukavina explained AFSCME was requested in May to consider an additional week of vacation for the top candidate for the Administrative Assistant for the Police Department, as she had twenty-five years of experience. AFSCME notified the Finance/HR Director that the union did approve the extra vacation for the top applicant, but that it was non-precedent setting. In early June, AFSCME was notified that the top applicant turned down the job offer. Ms. Rukavina stated she notified City staff that they could not offer the additional vacation to the second applicant. AFSCME was approached a second time to consider the additional vacation for the second applicant. Ms. Rukavina stated she notified City staff that the union voted down the second request, as the applicant only had five years of experience, compared to the twenty-five years of experience for the top applicant. Ms. Rukavina stated the City went ahead and offered the additional vacation to the second applicant, which was the reason for the class action grievance.

Councillor Russo stated the Administrative Assistant position had just been certified as a bargaining unit position. Ida Rukavina responded that the City signed a Letter of Understanding in early May of 2012 that included the Police Administrative Assistant position in the AFSCME unit. Councillor Russo stated the committee would take the grievance under advisement and provide AFSCME with a written response. No action was taken.

Interim Police Chief Benz stated Carol Umhauer transferred from the Library to fill the recently posted Records Management Technician position in the Police Department. Some duties currently being performed by the Police Department Secretary will be transferred to the Records Management Technician, including scanning/filing reports and preparing purchase orders, to free up the Secretary to assist other City Hall departments. The Records Management Technician will also be the backup for the Information Window from 2:30 P.M. until 4:30 P.M. on a daily basis. Councillor Russo stated Carol Umhauer has a 30 day trial period in the Records Management Technician position and requested the Interim Police Chief to meet with her periodically.

Interim Police Chief Benz stated the Police Department currently has sixteen police officers, with one officer resigning as of September 1st and two officers currently out due to illness. The City Council previously authorized hiring two additional police officers, with one of the positions recently filled. Interim Police Chief Benz requested permission to hire two police officers, in addition to the two positions that were previously approved. This would bring the Police Department to twenty police officers.

a. **Moved by Cuffe and supported by Russo to authorize the hiring of two police officers, in addition to the two officers that were previously authorized. Motion carried.**

The Interim Police Chief and City Operations Director were directed to speak with the Blight Officer about issuing parking tickets through the administrative ticket process.

Councillor Russo stated Dennis Benz has exceeded the expectations while working as the Interim Police Chief.

b. **Moved by Russo and supported by Cuffe to adopt a Resolution appointing Dennis Benz as the Police Chief. Motion carried.**

Discussion was held on increasing the Data Entry/HR Generalist Assistant position in the Finance Department to a full time position. Finance Director Erickson stated the employee has been working thirty-two hours per week and the Accounting Clerk is still working overtime on a daily basis. City Operations Director Tourville recommended reviewing the salary for the Data Entry/HR Position.

c. **Moved by Cuffe and supported by Russo to authorize the Finance Director to update the Data Entry/HR Generalist Assistant Position to forty-hours per week, with a minimum probationary period of ninety days and the salary to be determined. Motion carried.**

Rick Puhek, MAPE Union President, stated there had been some language issues with their contract, but the union members did approve the new contract for the years 2012 through 2014.

Councillor Russo closed the meeting at 2:22 P.M. to discuss labor negotiations.

COUNCIL CHAMBERS

936.

Resolution No.

City of Virginia, Minnesota, August 28, 2012

Resolution **appointing Dennis Benz to the Police Chief position**

Resolved by the City Council of the City of Virginia, that

WHEREAS, the City Council appointed Dennis Benz as the Interim Police Chief on June 12, 2012, for a six month period; and

WHEREAS, the City Council is desirous of removing the Interim status and appointing Dennis Benz as the Police Chief,

NOW, THEREFORE, BE IT RESOLVED that Dennis Benz be promoted to Police Chief, effective _____, with the annual salary to be set at the Step ___ of the salary matrix, subject to a six month probationary period and the same benefits and terms and conditions as outlined in the City of Virginia's Agreement with the Minnesota Association of Professional Employees.

Moved by Councillor _____ supported by Councillor _____ that the above resolution be adopted.

Ayes:

Nays:

COUNCIL CHAMBERS

9.3c

Resolution No.

City of Virginia, Minnesota, June 12, 2012

Resolution expanding the confidential Data Entry/HR Generalist Assistant to a full time position

Resolved by the City Council of the City of Virginia, that

WHEREAS, on June 12, 2012, the City Council hired Maegen Hunt as a confidential part-time Data Entry/HR Generalist Assistant for the City of Virginia; and

WHEREAS, it is the recommendation of the Personnel Committee and Finance/HR Director to expand the position to a full time position, with the salary increased from \$16.00/hour to _____/hour; and

WHEREAS, the full-time position benefits will follow the benefits outlined in the City of Virginia's Agreement with the American Federation of State, County and Municipal Employees, AFL-CIO, Local 454; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Virginia hereby approves increasing the part-time confidential Accounting Data Entry/HR Generalist Assistant position to a full-time position, effective _____, and subject to a minimum probationary period of ninety days.

Moved by Councilor _____ supported by Councilor _____ that the above resolution be adopted.

Ayes:

Nays: