



MINUTES

CITY COUNCIL EXECUTIVE SESSION

Monday, May 9, 2011

Lorraine H. Morton Civic Center

Aldermanic Library

Present: Alderman Rainey Alderman Wilson
Alderman Burrus Alderman Holmes
Alderman Braithwaite Alderman Grover
Alderman Wynne Alderman Fiske

Absent: Alderman Tendam

Others Present: City Attorney Farrar, Fire Chief Klaiber, Police Chief Eddington, City Manager Bobkiewicz, Assistant City Manager Lyons, Economic Development Planner Nyden

Presiding: Mayor Elizabeth B. Tisdahl

Mayor Tisdahl called the meeting to order at 8:30 p.m.

Real Estate

City Manager Bobkiewicz initially asked Marty Lyons to brief Council on the music facility and the City's possible financial involvement. However, after some brief questions to Attorney Farrar and some explanation, it was decided that Council would like to have more detailed information before moving forward. Attorney Farrar agreed to put together a memo for Council.

Johanna Nyden briefed Council on the recent acquisition of several Howard Street properties and then reported that she and Alderman Rainey had talked to the owner of other properties along Howard Street who offered to sell them to the City.

Alderman Rainey is anxious to get approval to move forward in an attempt to get a reasonable price of the property.

Alderman Wilson replied that he would also like to see the best price to negotiate but added he would also like to see a more complete report on funding opportunities before moving ahead. He wants to know how we will pay for the property before it is purchased.

Council agreed. Mr. Bobkiewicz will work on getting the information to them before their next meeting.

Personnel

Labor attorney Joel Perkoski was called in and introduced to brief Council on the Ken Carter matter. Before Mr. Perkoski's report, Chief Eddington briefly explained the details of this 2004 incident involving Mr. Carter, other police officers and a prisoner. Chief Eddington stated that two officers involved had already been fired and that this was the last process of the discipline arbitration.

Mr. Perkoski went on to report that arbitration was two weeks ago and after viewing a video tape and subsequent discussion with the City and Union attorneys, the arbitrator issued a written decision affirming that Officer Carter, one of those involved in the case, would get a 70-day unpaid suspension.

Attorney Farrar proceeded to give an update on the Donald Cederberg matter. He said Mr. Cederberg breached the settlement agreement by failing to withdraw his application for a line of duty disability pension by failing to withdraw and dismiss with prejudice, his workers' compensation claims. He also said that both Mr. Cederberg and his attorney failed to show up at the Pension Board meeting and after exchanging correspondence with Mr. Cederberg's attorney, he stated the settlement agreement is now considered dead. Mr. Farrar vowed to continue fighting the disability application at the Pension Board and go after Mr. Cederberg for fraud. His intention is to report Mr. Cederberg to the Department of Insurance and ask that criminal charges be filed against him.

He continued by telling Council that this process would take months and that in conversations with the Chief and the Union, the City will have the Union's approval in going after Mr. Cederberg. When Mr. Bobkiewicz asked about Mr. Cederberg's current employment status, Mr. Farrar answered that a pre-disciplinary hearing would be held on Wednesday with the full intention of terminating Mr. Cederberg.

Chief Klaiber reported that Mr. Cederberg is currently on FMLA and would be until June 29th. He explained that the pre-disciplinary hearing is set for Wednesday and he has 48 hours to issue his decision including discharge. He also noted that the Union has indicated that if Cederberg is terminated, they will not represent him. Mr. Cederberg will however, be allowed to have his own attorney present.

Litigation

Attorney Farrar reported that the City won a summary judgment on the Sundheim slip and fall case. The attorney handling the case will give his report in two weeks.

Collective Bargaining

City Manager Bobkiewicz reported we are at the table with the sergeants and that Joellen Earl is leading it. He believes that we are probably one meeting away from resolving.

On the issue of additional contracts coming due December 31st, he believes the documents that will be made public for Council next week will be inflammatory toward collective bargaining, especially with AFSCME.

The budget is on the next Council meeting agenda and on the budget will be a list of areas we will be looking for efficiencies and different ways of doing business. We will be looking at contracting out /contracting in on nearly every job that the AFSCME bargaining unit represents.

He cautioned that once the documents are made public, you may hear from AFSCME representatives as we will be going into negotiations soon on their new contract. Nothing has been decided - these will be strictly recommendations.

Alderman Holmes inquired as to whether this would have an affect on the FOIA received by the City.

Mr. Bobkiewicz explained that a FOIA (Freedom of Information Act) request had been submitted by Flo Estes of AFSCME regarding a particular issue and Director Robinson.

Alderman Rainey asked if the FOIA request has something to do with AFSCME's concern of legality with Groot.

Mr. Bobkiewicz replied that he believes it speaks more to competency.

Attorney Farrar narrowed the scope of the request to correspondence related to the cart count. After some discussion, he reminded Council that regardless of any misunderstandings, a contract has been signed and for Groot to walk away would be a breach.

Alderman Burrus believes the City needs to be more diligent on how estimates are calculated.

Mr. Bobkiewicz stated that although Ms. Robinson is the lead staff person, it is ultimately his responsibility. He has since asked Mr. Lyons to take a more active role to understand where we are financially at this time.

He also said that we are working internally on the issue of bags and stickers vs. carts. And he would also like to take a look at the entire issue of our solid waste program. He stated that there was very good input from residents regarding size and types of containers, frequency of pick-ups, etc. He said we also need to look at the overall financial picture of the process.

When the time comes to begin the process of collective bargaining and budgeting in August / September, we want to have a full complement of numbers and approaches for everyone. Council, employees and the public will all have the same information. We are starting the process early and the goal is to have it done by the first of August.

Alderman Grover moved to approve minutes of the April 25 meeting with corrections.

Executive Session ended at 9:25 p.m.

Respectfully submitted,

Elaine Autwell
Deputy City Clerk