

**PERSONNEL COMMITTEE**  
**TUESDAY, MAY 24, 2011, 4:00PM**  
**CITY HALL, CONFERENCE ROOM 2A**

The meeting was called to order by Chairman Hartz at 4:00pm.

Roll Call. Present: Aldermen Hartz, Krohn, Krause, and Kupsik. Alderman Mott arrived at 4:15pm. Also present: Administrator Jordan, City Attorney Draper, Street Superintendent Carstensen, Comptroller Pollitt, Utility Commission Office Manager Borkhuis, Chief Rasmussen, and City Clerk Reale.

**Approval of Minutes of April 26, 2011 committee meeting**

Krause/Kupsik motion to approve minutes from the April 26, 2011 committee meeting, as prepared. Unanimously carried.

**Comments from the Public limited to 5 minutes** None.

**Discussion/Action on accepting resignation of Nancy Duniven and directing staff to post the position of Data Processing/Accounting Clerk**

Administrator Jordan reported that Ms. Duniven had married and relocated her residence to DeKalb, IL. The Association contract specifies that any employee who moves to a location greater than fifteen miles beyond the City limits shall be deemed to have resigned. He stated that he had discussed the situation with Ms. Duniven, who claimed to be unaware of the contract provision but did confirm that she was currently living in DeKalb. He had also spoken to an Association representative who had asked if an exception could be granted to the residency requirement. Administrator Jordan noted that similar situations had occurred in the past where the employees in question had been forced to resign; therefore, it was not recommended to make an exception in this case.

Krause/Kupsik motion to accept the resignation of Nancy Duniven effective May 27, 2011.

There was subsequent discussion on the subject of how to handle the vacancy in the position. Comptroller Pollitt stressed that the position had important payroll and accounts payable responsibilities, in addition to handling customers at the front counter, and therefore could not remain empty for an extended period of time. She suggested that the resignation date for Ms. Duniven be set as either Friday, May 27 or Friday, June 3, which would give her an opportunity to spend time with Ms. Duniven to learn some of the aspects of the job with which she was unfamiliar. Comptroller Pollitt also mentioned that she had spoken informally with City Treasurer Klein regarding the possibility of her handling some of the position's responsibilities on a temporary, full-time basis until the position was filled. City Treasurer Klein had agreed to split time between her normal duties and the accounting position on a full-time basis. Comptroller Pollitt noted that City Treasurer Klein already had experience working at the front counter and would therefore already be familiar with some of the aspects of the job.

Alderman Kupsik asked how much time would be needed to fill the position. Comptroller Pollitt responded that it was a union position and would therefore need to be posted internally for five days to allow any qualified union employee to bid on the job. Given that the job would be posted for five

days, Alderman Kupsik inquired if it would be prudent to give Ms. Duniven an additional week beyond the suggested May 27 resignation date. City Attorney Draper advised against that, noting that any decision made would have precedent value.

Motion carried unanimously.

The Committee then discussed whether Council approval would be required for the temporary working arrangement with City Treasurer Klein. City Attorney Draper noted that Ms. Duniven's resignation would be effective May 27 and the Council would not meet again until June 13. Alderman Krohn suggested that an executive order could be issued. Alderman Krause noted that the Accounting Department budget included a line item for temporary help which would cover those costs in the interim. Following discussion, the consensus of the Committee was to direct that the position be posted and Teresa Klein be hired on a temporary basis until the position was filled.

**Discussion/Action on removing Street Superintendent position as an Appointed Official (Chapter 2, Article I, Sec. 2-3) (continued from 4/26/11)**

Chairman Hartz outlined the listing of appointed officials as specified in Chapter 2, adding that he did not feel the Street Superintendent position belonged in the same category as the other appointed officials because that individual would report to the Director of Public Works. He believed that making this change would serve to clean up and better clarify the City's organizational chart.

City Attorney Draper discussed the fact that state statutes provided for a position of "street commissioner" to be an officer of a city and, although the position in question was titled "street superintendent", he believed the two terms could be comparable. The City would therefore have the authority to remove this position as an officer under Section 62.09; however, such action would require the affirmative vote of two-thirds of the Council members. He also noted that nothing would change in terms of the job responsibilities or the employment contract for Street Superintendent Carstensen.

Krause/Hartz motion to recommend eliminating the position of "street superintendent (street commissioner)" as an appointed officer of the City under Sec. 2-3 of the Municipal Code. Unanimously carried.

The members of the Committee noted the fact that Sec. 2-3 provided for the officers of the City to be appointed by the Mayor, subject to Council approval. However, the ordinance did not reflect the practices actually employed by the City, in which applicants are interviewed by the Personnel Committee and a candidate recommended by that body to the Council.

**Discussion/Action on making DPW position formal and permanent on City organizational chart (continued from 4/26/11)**

Chairman Hartz stated that he was concerned about the potential liability of having the DPW making decisions on behalf of the City, when that individual was not formally included on the organizational chart. City Attorney Draper responded that Mr. Winkler, whether working for the Utility Commission or the City, was still considered a City employee and therefore protected by immunity for discretionary actions as a city employee. Chairman Hartz noted that the City currently had an arrangement with the Utility Commission to use Mr. Winkler's services as DPW; however, he inquired about what would happen in the event that Mr. Winkler left the position. City Attorney Draper stated that the DPW position was included in City ordinance and an individual could be hired by the City to perform those functions.

Chairman Hartz remarked that the City currently did not have a job description for the DPW position, which meant the Committee lacked an appropriate basis for evaluation of the performance of any employee holding that position. He suggested that having a formal arrangement with the DPW would provide for the Street Superintendent to report to an employee directly under the auspices of the City. Alderman Mott noted that DPW Winkler had previously submitted copies of his job description to the Personnel Committee. Alderman Krause agreed with Chairman Hartz that the DPW position needed to be permanently included on the organizational chart of the City and evaluated by the Personnel Committee.

Krause/Kupsik motion to recommend making the DPW position permanent on the City organizational chart.

Alderman Krause suggested that the position needed to be formalized on the organizational chart to address any future situation in which the City would be required to fill that position. Alderman Krohn noted that the City could always outsource those services, in the event that the current arrangement with the Utility Commission was to be discontinued. Alderman Mott asked about the implications of approving the recommended change. Chairman Hartz responded that the DPW position would technically be considered open. This would give the City the options to leave the position open, work out an agreement for those services with the Utility Director, or hire a full-time DPW employee. Alderman Mott stated that the City had a good working relationship with the Utility Commission that benefited both parties, adding that he saw no reason to change that. Alderman Krause responded that he did not believe Mr. Winkler would take issue with any decision made by the City with respect to this subject. However, he noted that it was important to address these concerns now to prepare for the future of the DPW position.

City Attorney Draper noted that state statutes did not reference “director of public works” as an officer of a city, although it was currently listed as such in Sec. 2-3 of the municipal code. He recommended that the listing of officers for the City of Lake Geneva be revised to include only those positions required to be appointed by the mayor. He stated that he would research statutes on this subject and report back to Committee with a recommendation.

Following discussion, Alderman Krause withdrew his motion and Alderman Kupsik withdrew his second.

Kupsik/Krause motion to continue the item, pending review by the City Attorney. Unanimously carried.

### **Discussion on job descriptions for DPW, Street Superintendent, Building & Zoning Administrator, and Lakefront Harbormaster**

Chairman Hartz noted the fact that none of these positions had job descriptions included as part of City ordinance. City Attorney Draper commented that he would advise against codifying job descriptions for those positions in the ordinance, particularly given the fact that the Committee was investigating whether or not they should continue as “officer” positions in Sec. 2-3. Administrator Jordan was directed to provide copies of the current job descriptions for each of these positions to the members of the Committee.

### **Discussion/Recommendation to change Chapter 2, Article II, Sec. 2-49 of the Lake Geneva Municipal Code**

Chairman Hartz discussed the discrepancy that existed in the municipal code regarding the hiring process for City department heads. Under the responsibilities of the Personnel Committee delineated in Sec. 2-49, these individuals are interviewed by the Personnel Committee and recommended for approval by the full Council. This, however, was inconsistent with the previously-discussed provisions of Sec. 2-3 that stated that these positions were appointed by the mayor, subject to Council confirmation. The consensus of the Committee was that the ordinance should be amended to clarify the process actually employed by the City in hiring for these positions. City Attorney Draper requested an opportunity to research state statutes on this subject, to ensure that any change would not unreasonably usurp the authority of the mayor.

Kupsik/Krause motion to continue the item, pending review by the City Attorney. Unanimously carried.

**Discussion/Action on Handbook for New Elected and Appointed Officials**

Administrator Jordan reported that he had drafted a handbook to be used as part of the City's orientation for new officials, which had been distributed to the Council for review and feedback. He noted that the language included in the handbook referenced practices and procedures permitted under state statutes, even though certain things might be done somewhat differently by the City. The members of the Committee were asked to review the document and be prepared to discuss any potential additions or corrections at the next regular meeting.

Krause/Mott motion to continue the item to the next meeting. Unanimously carried.

**Discussion/Action on Personnel Policies (Chapter 7 of City Policy Manual) (*continued from 4/26/11*)**

Kupsik/Mott motion to continue the item to the next meeting. Unanimously carried. Chairman Hartz requested that the members review the policies and submit any comments or suggested changes to the City Clerk prior to the next regular meeting of the Committee.

**Discussion/Action on Drug Testing Policy (*continued from 4/26/11*)**

Krause/Kupsik motion to continue the item to the next meeting. Unanimously carried.

**Adjournment**

Mott/Kupsik motion to adjourn at 5:28pm. Unanimously carried.

/s/ Jeremy A. Reale, City Clerk

**THESE MINUTES ARE NOT OFFICIAL UNTIL APPROVED  
BY THE PERSONNEL COMMITTEE**