

City of Ada
Minutes of the Special City Council Meeting
October 21, 2014 – 5:30 p.m.
City Hall

Members present: Vice – Mayor Austinson, Members Robertson, Peterson, Erickson, Hansen, Pinsonneault, Edwards (arrived late).

Members absent: None.

Others present: Kristi Henderson, Ross Pfund, John Rosenberger, Mark Askleson – KRJB Radio, Mick Thompson, and others.

III. A. Business. Approve Resolution 2014-10-03 – Appointing Election Judges for General Election.

Motion by Member Erickson, second by Member Hansen to approve Resolution 2014-10-03. Members voting for: Austinson, Robertson, Peterson, Erickson, Hansen, Pinsonneault. Against: None. Motion passed.

B. Approve Resolution 2014-10-04 – Sale of Property – Imperial Development Company, LLC. This is for the sale of the old creamery lot on West Main Street.

Motion by Member Erickson, second by Member Hansen to approve Resolution 2014-10-04. Members voting for: Austinson, Robertson, Peterson, Erickson, Hansen, Pinsonneault. Against: None. Motion passed.

C. Approve September 23, 2014 Special Council Meeting Minutes.

Motion by Member Robertson, second by Member Peterson to approve the September 23, 2014 Special Council Meeting Minutes. Members voting for: Austinson, Robertson, Peterson, Erickson, Hansen, Pinsonneault. Against: None. Motion passed.

D. Protocol for clerk dealing with headhunting firm. Member Pinsonneault stated that the Administrator Committee was concerned that any of the Clerk's dealings with the candidates could raise the specter of a hint of impropriety and the council agreed with that and asked Todd Sawrey to be that contact person. Member Pinsonneault went on to say that unfortunately we may have mis-communicated our intent with a misunderstanding, the Clerk had assumed this to mean that she shouldn't be talking to the headhunting firm at all. As result all emails and voicemails to her with questions have been unanswered which is why there is probably issues

with the website since there was nobody there to approve his proposed changes so mistakes were made. Member Pinsonneault then proposed the motion listed below. During the discussion, Interim City Clerk / Treasurer – Kristi Henderson stated that there was only one email that she didn't answer that they were asking about editing their ad and at about the same time she received an email from Todd Sawrey asking those same questions so she went through Todd to answer them, and stated that the motion presented does clarify what her role is with them so she thanked Member Pinsonneault for presenting that motion. Member Pinsonneault stated that he had heard otherwise and that is why he wanted to clarify it. Vice Mayor Austinson also stated that he spoke with Ms. Henderson earlier that day and she was concerned that there hopefully wasn't any problems cause they talked about it and didn't know what Member Pinsonneault had in mind when he added it to the agenda.

Motion by Member Pinsonneault, second by Member Robertson to have the Clerk fully cooperate with the headhunting firm. Members voting for: Austinson, Robertson, Peterson, Erickson, Hansen, Pinsonneault. Against: None. Motion passed.

E. Recommendation to hire Karen Johnson as a Desk Clerk 1 at the Dekko Community Center. City Clerk Henderson informed the council of a motion that was passed by a prior council opposing nepotism. It was stated that Karen is the mother of Brandi Johnson who already works at the Dekko Center. Henderson also stated that this policy is not in the Personnel Policy as it was discovered after the policy was written. Member Pinsonneault stated that because it is not in the Personnel Policy that it should be allowed this time. Dekko Director Millender assured the council that they would not be working together and it is a part – time position. Member Hansen asked Larry if she is already working there. Larry stated that she has gone through training. Member Hansen again asked if she is working there. Larry stated that they are paying her for training. Member Hansen stated that she is not an employee but Larry is paying her. Ms. Henderson stated that when she called the Dekko, Karen was working by herself. Larry asked if he was there. She stated it was last Wednesday or Thursday. Larry said then that he guessed she was working. Member Hansen stated that we had a problem before when we hired somebody who was already working there and hadn't been hired yet. Member Hansen stated that this is the second time this has happened where he has hired someone he wasn't allowed to hire. Member Hansen stated that he can't do that. Larry stated that is not the way he understood the policy. Member Hansen stated that he has no authority to hire and fire. Larry stated that he knows that and that is why he is here. Member Hansen stated that she is already working there. Member Erickson stated that all hires are suppose to be approved by the council. Larry stated that last winter there was an ice house attendant that was working in the ice house before he was hired. Larry stated that there isn't an administrator so he is just doing what he knows. Member Robertson stated that there is a clause in the Charter that states in case of an emergency and stuff and Vicki's mother died so he was short of people. Bob Mundt took another job so he'll just fill in once in a while when it works out for him. She also stated that he

had to have someone working and that's why it turned into this because it was out of necessity because he didn't have no one to work. Member Erickson asked if the last time was hired there without approval by the council also an emergency. Member Robertson stated yes and it is still legal because it is an emergency. Member Hansen asked if this is an emergency. Larry stated that yes, because he needed someone to cover hours at the front desk. Member Hansen asked what Larry does there. Larry stated that he just does what a director does. Member Hansen rebutted with 'what a manager does'. Member Hansen stated that he isn't the director, he is the manager. Member Hansen stated that they hired him to be the manager. Larry stated that they hired him as the Dekko Director. Member Hansen stated that he has nothing to do there, he has given all his jobs to other people, and that is why the labor costs are going sky high there. Larry stated that they are going down. Member Hansen stated they are not, and that they are hiring three more people and that Larry doesn't have anything to do there. Member Pinsonneault asked what the projected deficit is and Larry stated -\$120,000.00. Member Hansen stated that the labor costs are sky high. Larry stated that the labor costs are less than they were a year ago. Member Hansen commented that information wasn't true. Member Pinsonneault asked what the deficit was for last year. Ms. Henderson stated that it was -\$113,000 in 2013. Vice Mayor Austinson stated that they should stick to the agenda item.

Motion by Member Robertson, second by Member Pinsonneault to hire Karen Johnson as a Desk Clerk I at the Dekko Community Center. Members voting for: Austinson, Robertson, Peterson, Pinsonneault. Against: Erickson, Hansen. Motion passed.

F. RideTek Loan. (Member Edwards arrived during this discussion.) Mick Thompson from RideTek presented the council with the Collateral Possession Acknowledgement and Release. He stated there is about \$18,000 in inventory in cost remaining. This agreement turns over the collateral that remains with the business and releases them from obligation to the loan Mick also stated that whatever is left in the checkbook after everything has been paid will be turned over as well.

Motion by Member Erickson, second by Member Hansen to approve the Collateral Possession Acknowledgement and Release with RideTek. Members voting for: Austinson, Robertson, Peterson, Erickson, Edwards, Hansen, Pinsonneault. Against: None. Motion passed.

H. Hiring of Marsha Johnson. Recommendation was to hire Marsha as an Aquatics Instructor at \$15.00 per hour. Kristi stated that there isn't an Aquatics Instructor position within the City and that she would either have to be hired as a lifeguard as she was in the past and offer her the additional money for her WSI certification or the Council would need to create the position. Ms. Henderson stated that the council could justify hiring her back at Step 10 because of her years of service plus the additional \$.50 per hour for her WSI certification would put her at \$10.96 plus at

the first of the year you would add 2% on top of that which would put her at \$11.18 for next year. Member Hansen asked Larry if he was already paying her for this job. Larry stated that he is not. Member Hansen asked if she is hired yet and Larry replied that she is not.

Motion by Member Pinsonneault, second by Member Robertson to hire Marsha Johnson as a Lifeguard at Salary Grade 1, Step 10 with an additional \$.50 per hour pay for her Water Safety Instructor certification and to have Larry start the process to create an Aquatics Instructor Position. Members voting for: Austinson, Robertson, Peterson, Erickson, Edwards, Hansen, Pinsonneault. Against: None. Motion passed.

G. Hiring of Larry Houge. Recommendation was to hire Larry Houge as a Certified Pool Operator and classify him as a part - time independent contractor at \$15.00 per hour. Kristi provided information from the IRS that indicates that he would need to be classified as an employee. Larry asked how they were able to hire Deb and Marsha as independent contractors and Kristi stated that they shouldn't have been as they don't meet the qualifications. Member Erickson asked how many people employed by the Dekko have their CPO. Larry stated that himself and Deb are CPO's. Member Erickson asked where the \$15.00 come from as it seems all the positions that he is looking to hire have a magic number of \$15.00, where does that come from? Larry stated that Larry Houge would have further travel time than some of the others. The ability to take the class and pass it was the other factor. Vice Mayor Austinson stated that this has been an add on to other positions and not a stand along job. Others have been paid an additional \$.50 per hour and so the problem is they would have to create another job description. Kristi asked if Brandi was going to try to get that certification and Larry stated that she is. Vice Mayor Austinson stated again that this job would need to be created as it has always been an add on to a different position. Member Pinsonneault stated that he has talked to Mr. Houge and his sole objective is to cover his gas. Member Pinsonneault stated that he didn't know if Mr. Houge would consider being an employee with all the defamation of character that is going on. Member Erickson asked what happened to him just being a volunteer. Member Pinsonneault stated that it is just the gas expense.

Motion by Member Pinsonneault, second by Member Robertson to hire Larry Houge as a part – time employee as a Certified Pool Operator. Discussion: Ms. Henderson explained that the city doesn't have a stand alone CPO position and was reminded of when Karen Wagner came to the council stating that they are creating positions for people. She stated that by hiring Mr. Houge as an independent contractor would skirt around the issue but to hire him as an employee they could classify him as a maintenance worker but then again they haven't advertised for the position. Member Pinsonneault stated that he isn't going to want to fill that job description so maybe it is something that might have to go back to the drawing board. Larry Millender stated that he would talk to Mr. Houge and go from there. Ms. Henderson questioned if there was any other employees that would be willing to obtain their CPO certification.

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Discussion ensued around the status and expectations of Insane Fitness. Vice Mayor Austinson asked if this is something that the city attorney can clarify regarding if we can have Mr. Houge as an independent contractor or not. The answer will try to be found through the League first to try to save on attorney's fees. **The motion and second were withdrawn.**

IV. Motion by Member Robertson, second by Member Peterson to adjourn the meeting at 6:11 p.m. Members voting for: Austinson, Robertson, Peterson, Erickson, Edwards, Hansen, Pinsonneault. Against: None. Motion passed.

Respectfully submitted,

Kristi Henderson
Interim City Clerk / Treasurer

Jim Austinson
Vice - Mayor