

CITY OF SHULLSBURG
COMMON COUNCIL MEETING
OCTOBER 1, 2008
6:30 P.M.

A regular meeting of the Common Council of the City of Shullsburg was held at 6:30 p.m. October 1, 2008 in the Community Room of the Shullsburg Community Townsend Center, 190 N. Judgement Street, Shullsburg, Wisconsin. Mayor Tom Curran called the meeting to order at 6:30 p.m. Notice of the meeting was posted and given to the official newspaper. Roll Call- Cheryl Fink, Carol Korn, Josh Jerry- All present. Others present: Darrell Morrissey, Tom Lethlean, Deb Lethlean, Mary Alice Pedley, Jim Paquette, Charles Gensler, Rick Moyer, John Strause, Carol Allendorf and Tom Pedley.

Motion by Korn second by Fink to approve the minutes of the September 17, 2008 meeting as amended. All aye, motion carried.

Ollie Cody, Wayne Gehrt and Nancy Gehrt arrived.

Committee Reports:

Ald Jerry reported a leave request for Don Dickinson. Ald Korn reported a leave request for George Morrissey. Motion by Fink second by Jerry to accept the committee reports. All aye, motion carried.

Motion by Fink second by Jerry to approve the bills as presented. All aye, motion carried.

Mayor Tom Curran read Darrell Morrissey's resignation letter effective September 18, 2008.

Motion by Korn to appoint Gloria Swenson as Ward 2 Alderperson for the remainder of the term. Due to a lack of a second the motion failed.

Motion by Korn second by Fink to set Trick or Treat for October 31st from 6:00 p.m. to 8:00 p.m. All aye, motion carried.

Motion by Fink second by Jerry to set open burning from October 4 to November 1st. All aye, motion carried.

Regarding the Identity Theft Policy, the clerk stated that it would be ready for the next meeting.

The council worked on the 2009 budget.

During the public comment session of the meeting the following items were addressed: 1. Wayne Gehrt inquired about the FDIC Insurance on the city accounts. The clerk stated that they needed to be reviewed. 2. Tom Lethlean commented that he did not like the way Mayor Curran put the burden on the city council for filling the vacant seat and felt that Mayor Curran should have allowed the nepotism policy to go to a vote instead of discussion only at the last meeting. 3. Chief Strause inquired about the closed session on the agenda as to whose contracts the council would be discussing. Mayor Curran responded that three contracts would be addressed, the clerk/treasurer, police chief and police sergeant. Strause voiced his concerns regarding open meeting violations and read a letter from the District Attorney's office regarding open meeting

violations. Strause questioned the council if they have decided to reduce the police department. Mayor Curran and Ald Korn stated that they were not aware of any discussion to reduce the police department. Strause stated that the Attorney General Compliance Guidelines for Open Meetings reads as follows: "Wis. Stat. § 19.85(1)(c) authorizes closure to determine which employees to lay off, or whether to non-renew an employee's contract at the expiration of the contract term, *see* 66 Op. Att'y Gen. 211, 213, but not to determine whether to reduce or increase staffing, in general." Since Mayor Curran has just stated that there has been no discussion regarding reducing the police department, Strause feels that it would be illegal for the council to go into closed session to discuss non-renewal of the police department contracts. Strause further stated that any discussion or decision to reduce the police department must be made in open session and per 62.13(6)(m) any reduction of the police department must be made by a separate committee. Strause further stated the city must comply with the employee contracts and employee personnel handbook. Strause feels that this is a clear personal attack of the police department for his action of enforcing the laws that he was hired to enforce. 4. Darrell Morrissey thanked the Ambulance and Fire Department personnel for laying the concrete for the Skate Park. Morrissey also thanked Budget Builders, Scott Matye and Don Dickinson for their help with the Skate Park. 5. Ald Fink asked if that discussion and possible action of the employee personnel handbook be placed on the next council agenda. Mayor Curran stated that we would handle that after the first of the year. Ald Fink stated that according to Attorney Dan Bartholf any city council member can place items on the agenda. Mayor Curran stated that is not the way it has been done in the past. Ald Fink stated that for three years she has asked to have items placed on the agenda and nobody has taken anything off. Motion by Fink second by Jerry to put discussion and possible action of the employee handbook on the next council agenda. Mayor Curran did not ask for a vote on the motion, therefore the motion dies.

The clerk reported that the election machine has been returned and is in working condition.

A discussion was held regarding convening into closed session. Chief Strause stated again that the only a separate appointed committee can decide whether or not to reduce the police department. Ald Fink stated that all of the contracts are expiring at year end and the council has a right to enter into closed session to discuss contracts. Strause again referred to Wisconsin Statute 62.13 (6)(m) stating that the city council could not reduce the police department.

Ald Fink feels the city has the right to go into closed session to discuss employee contracts.

At 7:12 p.m. a motion was made by Fink to convene into closed session pursuant to Wisconsin Stats 19.85(1)(c) for the purpose of

discussing renewal or non-renewal of employee contracts. Due to a lack of a second the motion failed.

At 7:13 p.m. a motion was made by Korn second by Jerry to adjourn. All aye, motion carried.

Marsha Einsweiler
City Clerk/Treasurer