



Finance/Personnel Committee

Regular Meeting

335 South Broadway
De Pere, WI 54115
<http://www.de-pere.org>

Minutes

Tuesday, October 11, 2016

7:30 PM

De Pere City Hall Council Chambers

Call to Order. Mayor Walsh called the regular meeting of the Finance/Personnel Committee to order at 7:30 PM on October 11, 2016, at De Pere City Hall Council Chambers, 335 South Broadway Street, De Pere, Wisconsin.

Attendee Name	Title	Status	Arrived
Scott Crevier	Aldersperson	Present	
Michael Donovan	Aldersperson	Present	
Larry Lueck	Aldersperson	Excused	
Lisa Rafferty	Aldersperson	Present	
Michael J. Walsh	Mayor	Present	

Also Present: Police Chief Derek Beiderwieden, Fire Chief Dennis Rubin, Assistant Fire Chief Alan Matzke, City Attorney Judith Schmidt-Lehman, Human Resources Director Shannon Metzler, Finance Director Joe Zegers, Public Works Director Scott Thoresen, Economic and Planning Director Kim Flom, Robert Terhar and representatives of Black Honey Hashery L.L.C.

2. Approval of Minutes of the September 13, 2016 Regular Meeting of the Finance/Personnel Committee

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael Donovan, Aldersperson
SECONDER:	Scott Crevier, Aldersperson
AYES:	Scott Crevier, Michael Donovan, Lisa Rafferty, Michael J. Walsh
EXCUSED:	Larry Lueck

3. Fire Department Overtime and EMS Billing Report for September, 2016.

Aldersperson Rafferty asked how things have gone with the conversion for EMS billing. Chief Rubin reported that the new billing company has been responsive and the Department has been pleased. While early in the process, transition has been going well, but there is a period of time required for the previous company to close out billings and the new company to take over. A secondary training process is planned for January to help the City collect more money. Aldersperson Donovan asked about the escalation of duty crew overtime for the last few months. Chief Rubin expects that to continue as overtime for duty crews increases based on emergency calls that occur.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael J. Walsh, Mayor
SECONDER:	Scott Crevier, Aldersperson
AYES:	Scott Crevier, Michael Donovan, Lisa Rafferty, Michael J. Walsh
EXCUSED:	Larry Lueck

4. Approval of Police Overtime for September 2016

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Scott Crevier, Alderperson
SECONDER:	Lisa Rafferty, Alderperson
AYES:	Scott Crevier, Michael Donovan, Lisa Rafferty, Michael J. Walsh
EXCUSED:	Larry Lueck

5. Consideration of Robert Terhar Claim for Tax Refund (Years 2005-2015)*

City Attorney Schmidt-Lehman reported that Mr. Terhar sent Administrator Delo a claim for tax overpayment due to an error he discovered in property acreage size after the City acquired a sliver of property along Lawrence Drive for sidewalk purposes. Mr. Terhar confirmed with Brown County Land Records that the property acreage had been changed in 2005 to an acre-size lot, and it had previously been .92 acres. Mr. Terhar has filed a claim for tax overpayment due to the .08 acreage difference for that ten-year period (2005-2015). Mr. Terhar missed statutory requirements in claiming his tax refund as his claim needed to be filed with the taxing jurisdiction on or before January 31 of the year in which the tax is due, in this instance January 31, 2016 for the 2015 tax bill.

Additionally, the claim should have been served on the City Clerk and the assessment needing a palpable error. Attorney Schmidt-Lehman further indicated that the lot size error here is likely a palpable error. State law requires property owners to be responsible to confirm that their tax bills are accurate and offers the short window to make a claim in order to prevent an error from perpetuating year after year. Mr. Terhar's claim is deficient for not following the statutory process and City Attorney Schmidt-Lehman recommends that the claim be denied. Alderperson questions were answered regarding the error and clarification of the claim process. Attorney Schmidt-Lehman did verify that as of today's date Mr. Terhar's acreage has been corrected per Brown County Land Records. Discussion followed.

Mayor Walsh made a Motion, seconded by Alderperson Donovan, to open the meeting to allow Mr. Terhar to speak. Upon vote, Motion carried unanimously.

Mr. Terhar contacted Dave Hongisto and Brown County to discuss this issue within days of discovering the error last summer. The County's memo indicates that the lot size was .92 acres until 1998 when the property was annexed to the City. The assessment (until 2005) was based on what it was in Lawrence, which was based on purchase price, not acreage. In 2005 the assessor utilized a number that County had on record that related back to 1998. Mr. Terhar came to City Hall and obtained some information from staff as to claim procedure. After being advised by Attorney Schmidt-Lehman that she would have a conflict in providing information to assist him with filing a claim, he went ahead and filed a claim on his own which was sent to City Administrator and it was forwarded on. He doesn't know exactly how or when the error occurred.

Alderperson Donovan moved, second by Alderperson Crevier, to go back to regular order. Upon vote, Motion carried unanimously.

Discussion followed with Alderperson Rafferty confirming with Mayor Walsh that the Committee recommendation from this meeting will move forward to Council.

Alderson Crevier made a Motion, seconded by Alderson Donovan to deny the claim. Mayor Walsh indicated that whether it is the City's fault or the County's, Mr. Terhar paid more than he should have, even at .08 acres, and recommends that Mr. Terhar be reimbursed for two years and indicated he would vote against the denial of claim. Alderson Rafferty agreed. Discussion followed. Attorney Schmidt-Lehman clarified that while no state law allows tax refunds to go back two years, following the 2005 revaluation, several property owners filed claims that were entertained by committee and council at that time; however, that was not precedent setting. Attorney Schmidt-Lehman further indicated that if a claim is entertained for Mr. Terhar, the Committee would have to look at anyone else who would potentially come forward after the time frame expires. Discussion followed. Alderson Crevier confirmed that his Motion to deny the claim would stand.

Alderson Donovan then called the question. Mayor Walsh asked Attorney Schmidt-Lehman to clarify calling the question usage and intent and whether there can be discussion on calling the question and if debate should stop. Following Attorney Schmidt-Lehman's explanation, there was no further discussion.

Motion to deny claim failed with Alperson Crevier voting aye and all others voting nay.

Mayor Walsh then made a Motion that the City grant two years' worth of refund to Mr. Terhar. Administrator Delo asked for clarification whether the Motion moving forward to Council would be for the full mil rate or just the City portion. Administrator Delo indicated that for 2014 the full amount is \$104.78 and the city portion is \$31.35. For 2015, the full amount is \$103.85 and the city portion is \$32.00. The city portion total is \$63.35 and the full amount is \$208.63 for those two years. Attorney Schmidt-Lehman indicated that the City would be prohibited by statute to attempt to recoup any part of the refund reimbursement from another taxing jurisdiction. Mayor Walsh then clarified that his Motion is for the City to grant two years' worth of refund to Mr. Terhar for the full amount. Motion was seconded by Alderson Rafferty.

Mayor Walsh's Motion carried with Alderson Crevier voting nay.

RESULT:	DEFEATED [1 TO 3]
MOVER:	Scott Crevier, Alderson
SECONDER:	Michael Donovan, Alderson
AYES:	Scott Crevier
NAYS:	Michael Donovan, Lisa Rafferty, Michael J. Walsh
EXCUSED:	Larry Lueck

6. Consideration of Revolving Loan Fund documents for Honey Court Hashery, LLC (1104 Honey Court)

Economic and Planning Director Flom advised that City Council authorized staff to negotiate a loan with Black Honey Hashery in August of 2016. Business is proposed to be a high quality coffee shop with pastry and breakfast offerings on the east side at the former Kimco Engraving location on Honey Court. Loan of \$65,500 has been requested to help with business start-up.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael Donovan, Alderperson
SECONDER:	Lisa Rafferty, Alderperson
AYES:	Scott Crevier, Michael Donovan, Lisa Rafferty, Michael J. Walsh
EXCUSED:	Larry Lueck

7. Consideration of adjusting pay grade level for five positions

Human Resources Director Shannon Metzler advised that Carlson Dettmann Consulting was requested to take a look at five positions noted in the memo, because of changes ranging in adjustments of responsibilities, Fair Labor Standards minimum salary threshold and difficulty filling positions due to changes in market. Recommending change in grade for all five positions for the new budget year of 2017. Human Resources Director answered Alderperson questions regarding the Carlson Dettmann analysis and further explained that the current analysis was requested for these positions only as a band-aid approach to keep City's costs down until the next market review of all positions occurs and give some attention to positions that are currently difficult for recruiting and/or maintaining employees.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael J. Walsh, Mayor
SECONDER:	Scott Crevier, Alderperson
AYES:	Scott Crevier, Michael Donovan, Lisa Rafferty, Michael J. Walsh
EXCUSED:	Larry Lueck

8. Review Community Service Grant Distributions.

Memo from City Clerk-Treasurer indicates that Community Service grants are currently capped at \$300, with a total of \$600 available for disbursement twice yearly. Clerk-Treasurer is recommending that the \$300 barrier be removed so that any amount up to the \$600 for one grant could be requested to allow for more flexibility for applicants and in an effort to get more potential applicants. Council would then have authority to issue any amount up to \$600 as deemed appropriate. Alderperson Crevier recommends updating the website to promote the grants and give more information to market the grants. Alderperson Donovan suggests that if there is difficulty in getting applicants, perhaps the grant money should be put into the budget for those items instead of offering the application for a service grant. Mayor Walsh commented that this is something that could be considered down the road if the current change does not promote more applicants. The money could get to recipients faster if the current process is kept. Alderperson Rafferty also commented on getting the word out and promoting the grant to high school community service groups. City Administrator Delo advised that marketing the grants is something that could be looked at to see if there is a way to better promote.

RESULT:	ADOPTED [3 TO 1]
MOVER:	Michael J. Walsh, Mayor
SECONDER:	Lisa Rafferty, Alderperson
AYES:	Scott Crevier, Lisa Rafferty, Michael J. Walsh
NAYS:	Michael Donovan
EXCUSED:	Larry Lueck

9. Consider request by City IT Administrator to transfer funds from Unassigned Reserves.*

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael Donovan, Alderperson
SECONDER:	Lisa Rafferty, Alderperson
AYES:	Scott Crevier, Michael Donovan, Lisa Rafferty, Michael J. Walsh
EXCUSED:	Larry Lueck

10. Public Comment and announcements.

None.

11. Future agenda items.

None.

12. Adjournment

Upon motion of Mayor Walsh, seconded by Alderperson Crevier, the Finance/Personnel Committee unanimously adjourned at 8:22 PM.

Respectfully submitted,
Angela Zills