

Emergency Meeting
Resignation of Maintenance Worker Dennis Byerly
August 15, 2013

Mayor Richard Malz called the Emergency Meeting to order at 7:00 p.m.. Councilmember Steve Trebesch, Councilmember Chris Lund, , Councilmember Bob Gregonis, City Clerk Jeremy Gruenhagen, were in attendance. Councilmember Richard Odoms was unable to attend.

First Order of Business

- Accept the written resignation of Maintenance Worker Dennis Byerly which states his last day will be August 28, 2013. (Accept by motion.)
- Approve payout of any unused Sick Pay and/or Vacation Pay per the City Handbook. (Accept by motion.)
- Consider HSA payout. There is nothing in writing on City insurance or HSA plan. Council will have to determine;
 1. Pay Maintenance Worker Dennis Byerly his deductible, the \$3,500 that the City had previously, at a regularly scheduled City Council meeting, made a motion to pay \$3,500 of his deductible. Does Council want to prorate this or pay the full amount.
 2. Does Council want to pay his Cobra which would be basically continuing to pay for his health insurance.
 3. Severance pay, does Council want to pay any type of severance pay which the City does not have any contract or bound to do so.

Second Order of Business

- Accept Maintenance Worker Byerly written resignation.
 - ***Councilmember Gregonis moved to accept Maintenance Worker Dennis Byerly resignation as received on August 14, 2013 and his last day will be effective August 28, 2013, seconded by Councilmember Trebesch and motion carried. Councilmember Odoms was absent.***
- Employee Handbook - Non-Disciplinary Separation - Resignations
 - Any employee wishing to leave municipal service in good standing shall submit a written resignation to the City Clerk/Treasurer at least 14 calendar days before their last working day. The resignation must state the effective date.
 - Maintenance Worker Dennis Byerly did not state the effective date but he did say 14 days. City Clerk Gruenhagen did confer with Maintenance Worker Dennis Byerly that his last day would be August 28, 2013.
 - Unauthorized absence from work for a period of three consecutive working days will be considered as a resignation from employment (not in good standing) and may result in the forfeiture of accumulated vacation or other accumulated benefits. The City Clerk/Treasurer may waive this rule if, in his or her judgment, extenuating circumstances warrant such waiver.
 - The basic meaning of "in good standing" is to give a two week notice and what the City would pay out is what ever Maintenance Worker Dennis Byerly has accumulated and unused vacation pay. As for sick pay, according to the Employee Handbook; Upon separation from employment with the City, providing the employee leaves in good standing, employees shall be allowed to exchange accumulated sick time to be paid out according to the following schedule: 5 years = 10%, 10 years = 20%, 15 years = 30%, and 20 years = 40%. Maintenance Worker Dennis Byerly has been employed by the City over 20 years so he would receive 40% of his sick pay paid out. Through August 18,2013 Dennis currently has 157.35 sick hours and 238.58 vacation hours to be paid out.

Emergency Meeting
Resignation of Maintenance Worker Dennis Byerly
August 15, 2013

- Mayor Malz commented that the City has to do what it has to do.
- Councilmember Gregonis mentioned that with the sick pay and vacation pay no severance pay should be given out. City Clerk Gruenhagen commented that there is no contract or anything that states the City has to pay severance pay, Maintenance Worker Byerly made the choice to leave the position.
- ***Councilmember Gregonis moved to approve the pay out for any unused and earned vacation pay and sick pay per the City Handbook, seconded by Councilmember Trebesch and motion carried. Councilmember Odoms was absent.***
- HSA Payout
 - Council decided to prorate Maintenance Worker Byerly HSA payout for 8 months.
 - ***Councilmember Gregonis moved that the City has agreed to pay out two-thirds of the Cities contribution to Maintenance Worker Byerly HSA account and the City will not be paying towards Maintenance Worker Dennis Byerly COBRA or any severance pay, seconded by Councilmember Trebesch and motion carried. Councilmember Odoms was absent.***

Council continued the meeting by discussing what actions need to be taken to fulfill the duties of maintenance until a new maintenance person is hired.

Adjourn City Council Emergency Meeting

Councilmember Lund moved to adjourn the Hamburg City Council Emergency meeting at 7:59 p.m., seconded by Councilmember Trebesch and motion carried. Councilmember Odoms was absent.

Submitted by:

Susan Block
Deputy Clerk/Utility Billing Clerk