

# OFFICIAL MINUTES OF MAYVILLE VILLAGE COUNCIL MEETING April 15, 2014

The Village Council of Mayville, Michigan held a Regular Meeting at the Fire Hall on April 15, 2014. The meeting was called to order at 7:00 p.m. by Clare Fryers, Village President, with the following officers and Trustees present: Susan Atkinson, William Barkowska, Roxann Hiiter, Cecilia Kapcia, Sue Marlow, and Wanda Topham.

Absent- None

Employees Present – Robert Hiiter, Tony Coln, Matt Iseler, Eddie Blackmer, Michele Rhode, and Nathan Jaco

Guests- 14

Approval of Agenda - Moved by Kapcia, supported by Hiiter to approve the agenda. Yes 7 No 0

Parks and Recreation Plan Review – President Fryers asked if anyone had questions or comments regarding the Parks and Recreation Plan Review. There were no additional questions or comments.

Parks and Recreation Proposal – Kaitlin Swick – Kaitlin Swick addressed the Village Council regarding a possible request for proposal from the Greater Thumb Recreation Association. Swick explained program outlines in relation to the summer recreational/instructional programs already existing in Caro and Cass City for children ages 5-12, as well as the programs for children ages 13-18. The Village Council will review the given information and determine at a later date whether the Greater Thumb Recreation Association Program would fit Mayville's needs and financial budget in future years.

Public Comments - None

Communications – President Fryers informed the Village Council of DTE meter changes that will be taking place in the next year. DTE's Advanced Metering Infrastructure (AMI) information book will be placed in the Village Office available for viewing.

Edwin Blackmer Resignation - Moved by Kapcia, supported by Hiiter to accept the resignation of Edwin Blackmer. Yes 7 No 0

Approval of Minutes - Moved by Kapcia, supported by Topham to approve the minutes of the Regular Meeting March 18, 2014 with the following correction requested by Trustee Marlow that the following information be added: Memorandum of Understanding for Lisa Haubenstricker, Village Clerk, Trustee Marlow voted no because she did not agree that Haubenstricker's Memorandum should include three personal days that no other part-time employee receives; Contract for Tony Coln, Chief of Police, Trustee Marlow voted no because she did not agree with the starting pay. Yes 7 No 0

Approval of Bills - Moved by Kaptcia, supported by Barkowska to approve the payment of the bills as presented. Yes 7 No 0

Police Department Report – The March 2014 report was presented to the council by Police Chief Coln.

Fire Department Report - The monthly report was presented to the council by Fire Chief Hiiter.

DPW - The DPW Activity Report for April 2014 was reviewed for the council by Matt Iseler. President Fryers added that the Eagles this month would be adding a handicap space in the no parking space next to the existing space. Moved by Kaptcia, supported by Atkinson to approve this change. Yes 7 No 0. President Fryers also addressed the parking and street situations for the 150<sup>th</sup> Anniversary Celebration in Mayville.

Zoning Report- The zoning report was given by Administrator, Clare Fryers. No permits were issued. One permit was honored to Joseph Ball. A dangerous building ordinance violation (garage fall-in) was addressed this month. Contact was made with the owner and there has been a contractor hired by owner to take care of the building.

Municode - Moved by Kaptcia, supported by Marlow to approve \$1,645 expense to Municode for posting online and sending one copy to the Village of amendments to Section 1-11 and 42-52; Ordinance Nos. 169; 170 and 171.

### **Committee Reports**

Appoint New Committees – President Fryers presented to Trustees the new list of Committees. Trustee Atkinson requested that President Fryers wait to reappoint committees until after the November elections. President Fryers appointed Trustee Roxann Hiiter as President Protemp. Moved by Kaptcia, supported by Barkowska to approve Trustee Roxann Hiiter as President Protemp. Roll Call Vote. Yes – Atkinson, Hiiter, Kaptcia, Barkowska, Marlow, Topham, Fryers. No – None.

President Fryers was asked by Trustee Marlow to show her where it states that the President can appoint new committees in her General Law Village book. The section giving this information could not be found at this time, so the Village Council agreed to table until next meeting when the information could be verified.

Building and Land Report – President Fryers addressed the cleanout of Village building on East side of Fox and Railroad Roads. Would like to have the building cleaned and emptied to by end of May of this year.

Signature Cards – Moved by Kaptcia, supported by Atkinson to add Michele Rhode to the signature card for the bank accounts at Mayville State Bank. Yes 7 No 0

Employee Handbook - Moved by Kaptcia, supported by Topham (Yes 7 No 0) to make changes to page 5 of the Employee Handbook by replacing the following:

**C. SICK LEAVE. Procedure: Send an email to the Department Head, Village President and Village Clerk requesting sick day(s).** The Department Head or President will either approve or deny the request and will notify the employee and the village council. All full-time employees

will be awarded one half (1/2) day per month starting at the 1<sup>st</sup> of each month after contract has been agreed upon, up to a maximum of 30 days. **For new full time employees only:** After one (1) year, newly hired full time employees will receive 80 hours sick leave on a **one (1) time only** basis. Sick leave is intended for personal illness or physical incapacity resulting from causes beyond their control, but includes pregnancy and elective surgery. Employee is only granted pay from their accumulated hours of sick pay terms by meeting the following conditions:

1. Must be off for a minimum of five (5) consecutive, eight (8) hour working days.
2. Must have a written dr. excuse stating that employee is unable to perform normal working duties, also for a minimum of five (5) consecutive working days.
3. Sick leave pay may be retroactive from 1<sup>st</sup> day off, at the discretion of the council.
4. After using sick leave days, employee will then be able to continue to accumulate one-half (1/2) day per month until a total of 30 days is accrued.

Employees who have unused sick leave pay shall forfeit all unused days upon separation of employment. An exception to this will be made for any employee who has 30 or more years of service. They will be compensated at (1/2) one-half of all unused sick days upon separation of employment.

Replace with the following:

**C. DISABILITY LEAVE.** Disability leave is intended to compensate employees who are required to be absent from work for an extended period of time of five or more days due to illness, injury or other physical or health conditions, including pregnancy and elective surgery.

1. **Accrual of Disability Leave.** All full time employees shall accrue one-half (1/2) day for each month of service. The employees' unused disability leave days shall carry over from year to year, up to a maximum of 30 unused days.

In addition to the above, a newly hired full time employee shall receive a one-time disability leave bank equivalent to 80 hours (10 days) at the time of employment.

2. **Eligibility and Procedure for Using Disability Leave.** An employee shall notify his or her department head, Village President, or Village Clerk regarding his or her request to use disability leave days, and unless waived by the employer, shall also provide a physician's letter indicating that the employee is unable to perform his or her normal working duties, for a period of five or more days. If approved by the Village Council, the disability leave may be made retroactive to the commencement date of the disability.
3. **Unused Disability Days.** Employees who have 30 or more years of full time employment at the time of separation shall be paid for unused disability days at the rate of one-half (1/2) day for each day of unused disability leave. No other employees shall qualify for payment for unused disability leave days.

Moved by Kapcia, supported by Atkinson (Yes 7 No 0) to make changes to page 14 of the Employee Handbook by replacing the following:

The following list of guides to employee conduct are NOT intended to be all inclusive, and each department may have additional specific departmental rules, regulations and guides to conduct which are applicable to employees in that department. All departmental work rules, regulations, and guides to conduct shall be posted or otherwise made available in the work area. A violation of any of the following guides to employee conduct may subject the violator to disciplinary action, up to and including dismissal.

- A. Violations of any of the rules, procedures, or guides to employee conduct set forth in this policy.
- B. Unauthorized possession of property belonging to employees, the Village, or visitors.
- C. False statements on the employment application, giving false information at the time of employment, or any records of the Village.
- D. Conduct or indecent behavior on Village premises.
- E. Conviction of committing a felony.
- F. Provoking or instigating a fight, or fighting during working hours, or on Village premises.
- G. Possession or drinking of any alcoholic beverages on Village premises or during normal working hours, or reporting for work with intoxicants on the breath or under the influence of intoxicants.
- H. Sale, distribution, possession, manufacturing, or use of illicit or illegal controlled substances on Village premises, or during hours, or reporting for work with or under the influence of such controlled substances.
- I. Falsification of Village records.
- J. Insubordination; failure to perform duties in the manner prescribed or refusal to carry out the reasonable immediate or higher level supervisor; failure to accept work schedule as assigned.
- K. Violation of, or disregard for, common safety procedures.
- L. Misuse, abuse, waste, or destruction of the Village's property or the property of another employee.
- M. Engaging in horseplay or scuffling where an injury or property damage may result.
- N. Failure to obey parking and traffic regulations on the premises or while on duty.
- O. Contributing to unsanitary or unhealthy work conditions or failing to maintain the neatness of common work areas.
- P. Causing the loss of material, parts or tools due to carelessness.
- Q. Wasting time, loitering, or leaving place of work during working hours without authorization.
- R. Posting, altering, or removing any material on bulletin boards or Village property unless specifically authorized to do so.
- S. Gambling on work time or on Village premises.
- T. Permission must be obtained when using another employee's property or equipment.
- U. Threatening, intimidating, coercing, or interfering with fellow employees.
- V. Distributing written or printed matter of a non-job related nature on Village premises, without the approval of the Village Council.
- W. Making false or malicious statements about any employee or the Village.
- X. Restricting the work levels, output, or productivity of employees.
- Y. Sleeping on the job during working hours.
- Z. Unauthorized possession of firearms or explosives.

- AA. Abusive language is prohibited.
- BB. Release of confidential information.
- CC. Having an unsatisfactory driving record, if driving is a job requirement.
- DD. Operation of a motor vehicle or other equipment during working hours in a careless or reckless manner, likely to endanger persons or property.
- EE. Unauthorized use of Village property.
- FF. Failure to report all accidents and injuries as soon as possible.
- GG. Falsifying Time records or pay slips.
- HH. Any violation of the provisions of this policy manual.
- II. Excessive absence and tardiness (Michigan time clock requires that wages be docked at a tenth of an hour increments) without being excused is prohibited.
- JJ. Mayville's calendar years start 4/1/14 and ends 3/31/15. An employee is allowed to be tardy six (6) times in a calendar year. After the sixth tardy the employee will be counseled and issued a warning, A seventh tardy will bring one day suspension from work. Further violation could result in dismissal. Maintaining 90 consecutive days without a tardy will automatically drop the oldest tardy from the record.

Replace with the following:

The following guidelines for employee conduct are NOT intended to be all inclusive. Each department may have additional specific departmental rules, regulations and guidelines for conduct which are applicable to employees in that department. All departmental work rules, regulations, and guidelines for conduct shall be posted or otherwise made available in the work area. Any violation may be subject to disciplinary action, up to and including dismissal.

- A. Intentionally falsifying statements on the employment application, giving false information at the time of employment, or any records of the Village, (falsifying time records or pay slips).
- B. Conviction of committing a felony.
- C. Excessive absence and tardiness without being excused is prohibited.
  1. Michigan Administrative Rule R408.702 (e) requires that wages be docked at a one tenth of an hour increments (6 minutes).
  2. Mayville's fiscal calendar year starts April 1st and ends March 31st.
  3. Upon the sixth tardy the employee will be counseled and issued a warning.
  4. A seventh tardy will bring one day suspension from work
  5. Further violation could result in dismissal.
  6. Maintaining 90 consecutive days without a tardy will automatically drop the oldest tardy from the record.
- D. Insubordination; failure to perform duties in the manner prescribed or refusal to carry out the reasonable requests of an immediate or higher level supervisor; failure to accept work schedule as assigned.
- E. Violation of, or disregard for, common safety procedures.
  1. Operation of a motor vehicle or other equipment during working hours in a careless or reckless manner, likely to endanger persons or property.

2. Failure to obey parking and traffic regulations on the premises or while on duty.
  3. Having an unsatisfactory driving record, if driving is a job requirement.
- F. Failure to report all accidents and injuries as soon as possible.
- G. Unauthorized possession/use of property belonging to employees, the Village, or visitors.
1. Misuse, abuse, waste, or destruction of the Village's property or the property of another employee.
  2. Release of confidential information.
  3. Posting, altering, or removing any material on bulletin boards on Village property unless specifically authorized to do so.
  4. Permission must be obtained when using another employee's property or equipment.
- H. Misconduct or indecent behavior on Village premises.
1. Provoking or instigating a fight, or fighting during working hours, or on Village premises.
  2. Possession or drinking of any alcoholic beverages on Village premises or during normal working hours, or reporting for work with intoxicants on the breath or under the influence of intoxicants.
  3. Sale, distribution, possession, manufacturing, or use of illicit or illegal controlled substances on Village premises, or during hours, or reporting for work with or under the influence of such controlled substances.
  4. Gambling on work time or on Village premises.
  5. Unauthorized possession of firearms or explosives.
  6. Engaging in horseplay or scuffling where an injury or property damage may result.
  7. Contributing to unsanitary or unhealthy work conditions or failing to maintain the neatness of common work areas.
  8. Causing the loss of material, parts or tools due to carelessness.
  9. Gambling on work time or on Village premises.
  10. Threatening, intimidating, coercing, or interfering with fellow employees.
  11. Distributing written or printed matter of a non-job related nature on Village premises, without the approval of the Village Council.
  12. Making false or malicious statements about any employee or the Village.
  13. Restricting the work levels, output, or productivity of employees.
  14. Sleeping on the job during working hours.
  15. Abusive language.

Moved by Kaptcia, supported by Hiiter (Yes 7 No 0) to make changes to page 7 of the Employee Handbook by replacing the following:

**B. INSURANCE COVERAGE.** Eligible employees will be provided, at Village expense, health insurance based on a single subscriber. The employee may 1. Opt-out of health care insurance and receive \$100 per month in lieu of health insurance or 2. Choose the couple or family rate minus (-) the single employee coverage; with the employee being responsible for the balance.

Replace with the following:

B. INSURANCE COVERAGE. Eligible employees will be provided, at village expense, \$200 maximum health insurance based on single member coverage with a copy of certificate of insurance. The employee may choose one of the following: 1. Opt-out of health care insurance and receive \$100 per month in lieu of health insurance or 2. Choose the couple or family rate minus (-) the \$200 maximum single employee coverage with a copy of certificate of insurance; with the employee being responsible for the balance.

Approval of Bid Form - Moved by Kapcia, supported by Hiiter to approve the new Village of Mayville Bid Form. Yes 7 No 0

Policy Changes - Moved by Kapcia, supported Hiiter to approve that requests for information from the Village Office should be in writing and there be a charge of \$5 for up to five pages and \$2 per page after the first five. Roll Call Vote. Yes – Kapcia, Barkowska, Topham, Atkinson, Hiiter, Fryers. No – Marlow.

Additional Public Comments – Trustee Marlow brought to the Village Council’s attention research regarding pay and benefits for Police Chief and Officer Positions in Millington, Kingston and North Branch compared to Mayville’s Police Chief pay and benefits.

Edwin Blackmer addressed the Village Council giving his reasons for resigning. Blackmer stated he felt he was treated unfairly compared to other part-time Village employees and was not trained like he was promised when hired. Blackmer also stated that he has been hired by Worth Construction at a pay that is three times his Village rate of pay.

Adjournment - Moved by Kapcia, supported by Hiiter to adjourn at 8:57 p.m. Yes 7 No 0

Minutes taped by Michele Rhode. Minutes prepared by Michele Rhode.

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Lisa Haubenstricker  
Village Clerk

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Clare Fryers  
Village President