

**City of Lafayette**  
**City Council Meeting Minutes**  
**Special Session**  
**November 18, 2009**  
**6:00 PM**

- 1. CALL TO ORDER:** Mayor Chris Heisler called the meeting to order at City Hall at 6:00 p.m.
- 2. FLAG SALUTE:** Mayor Chris Heisler led the flag salute.
- 3. ROLL CALL:** Diane Rinks, City Administrator, called the roll.  
**Present:** Mayor Chris Heisler, Leah Harper, Dean Rhodes, Chris Pagella, Bob Cullen, Michael Roberts, and Nicholas Harris.  
**Absent:** None.  
**City Staff Present:** Diane Rinks - City Administrator.  
**Others Present:** Darrell Flood, Angela Flood, Linda Lyon, Marie Sproul, Al LeMay, Mary Heisler, Dan Buell, Cindy Buell, Sarah Schweiger, and Tara Shelburne.

**4. ACTION ITEM:**

**1. Review and Approve City Administrator Contract:**

Mayor Chris Heisler said that Councilors Cullen, Harris, and Rhodes called this meeting because they have some concerns about the contract being presented to Justin Boone. Mayor Heisler read a few emails that had been sent amongst the Council regarding the concerns about the contract which included PTO accumulation, a residency requirement, contract term, and the statement, "Administrator recognizes that the City Council is the policy making body of the City and agrees to respond promptly and equally to any and all members of the Council regarding their concerns."

Diane Rinks presented a draft City Administrator contract that encompasses the concerns that have been mentioned by the Council as well as a couple changes that she is recommending (ie. contract effective date in January, not November, medical/dental insurance to be effective Feb. 1 (30 days after first day of employment, etc.)), to the Council for their review.

Chris Pagella said that he and the Mayor chose a 2 year term for the contract because that will put the expiration date in the middle of the next election cycle, and if the City Administrator is let go at the end of the contract term, then severance doesn't have to be paid.

There was some discussion about the level of PTO that was offered to the candidate (10 hours per month). PTO includes sick pay, vacation pay, and administrative leave. An entry level employee with the City of Lafayette receives 16 hours of PTO per month.

Chris Pagella said that a contract was presented to the candidate as a starting point to negotiations and he fully expected to get a counter offer, but the candidate did not counter, except for requesting a moving allowance.

Dean Rhodes expressed his concerns about placing a residency requirement in the contract.

Leah Harper said that her understanding from the November 7, 2009 meeting was that Mayor Heisler and Chris Pagella had the authority to negotiate and enter into the contract.

Discussion ensued.

Diane Rinks reviewed her recommended changes to the contract- changed the contract start date until January 4, 2010, she removed the statement, "Administrator recognizes that the City Council is the policy making body of the City and agrees to respond promptly and equally to any and all members of the Council regarding their concerns" because it is not consistent with the charter or the Council Rules, the term of the contract was changed to June instead of January, the severance package was changed to include the cost of three months insurance, not the coverage because the insurance company does not allow the City to continue coverage once employment is terminated. Section C(1) was changed to read the same as section 2(B) regarding the payout of severance pay and payment of cost of three months insurance.

In section 4(A), the salary increase was changed to be dependant on the annual performance evaluation rather than a guarantee, the effective date of medical/dental insurance coverage was clarified to be February 1, 2010, the PTO rate was changed to 13.33 hours per month (160 hours per year), and a clarification was added that states that PTO will be credited to the Administrator on the first day of the month following the month it is earned, a relocation expense of up to \$3,500 was added, and the requirement for the Administrator to live in the City of Lafayette was removed. The consensus of the Council was to add a statement preferring that the City Administrator live in Lafayette, but not holding it against him if he chose not to.

The Council agreed to the changes that Diane Rinks recommended, and decided to have the contract expire on June 30, 2012. Michael Roberts suggested adding a provision in the contract that states that if for some reason the City Administrator is not able to secure a bond, the City has the right to terminate the contract. The rest of the Council agreed.

Chris Pagella made a motion to direct staff to make the amendments to the City Administrator contract, as discussed tonight, present it to the City Attorney for review, then forward the contract to the Mayor to be presented to Justin Boone. Once Mr. Boone has accepted the contract, it will be brought back to the Council for final approval at the December 10, 2009 meeting. Dean Rhodes seconded the motion. There was no more discussion and the motion passed unanimously.

Mayor Chris Heisler said that he will contact Justin Boone and discuss the changes with him, and he requested that the attorney also redraft the offer letter.

- 5. ADJOURNMENT:** Nicholas Harris made a motion to adjourn. Bob Cullen seconded the motion. There was no discussion and the motion passed unanimously. The meeting was adjourned at 7:13 p.m.

**Minutes approved on this 10<sup>TH</sup> day of December, 2009.**

**APPROVED:**

**ATTESTED:**

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Mayor Chris Heisler

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Diane Rinks, City Administrator