

SPECIAL COUNCIL MEETING  
CITY OF CROSSLAKE  
MONDAY, MAY 12, 2003  
9:30 A.M. - CITY HALL

Pursuant to due notice and call, the Council for the City of Crosslake met on Monday, May 12, 2003 at 9:30 A.M. at City Hall. The following Councilmembers were present: Mayor Darrell Swanson, Dean Eggena, Chuck Miller, Dick Phillips and Irene Schultz. Also present was City Administrator Tom Swenson, Labor Attorney Steve Fecker, General Manager Dennis Leaser and Clerk/Treasurer Darlene Roach. There were no other individuals in the audience.

Mayor Swanson called the special meeting to order at 9:33 A.M. and stated that the purpose of the meeting was to hold a discussion regarding the Notice of Intent to Strike which the City received from the Bureau of Mediation on behalf of the AFSCME employees.

MOTION 05S1-01-03 WAS MADE BY CHUCK MILLER AND SECONDED BY IRENE SCHULTZ TO CLOSE THIS SPECIAL COUNCIL MEETING. It was noted that General Manager Leaser was in attendance due to his being a member of the Negotiation Committee. Attorney Steve Fecker updated the Council on the negotiations that have taken place up to this date. He stated that the ten day notice of Intent to Strike matures on Tuesday, May 20<sup>th</sup> at 12:01 A.M., after which the Union employees have 20 days to exercise their right to strike. This 20 day period would expire on Monday, June 9<sup>th</sup>. Attorney Fecker reviewed the Negotiation Committee's offer to the Union with the Council. The Union is agreeable to the wage package proposed by the City over the three year period, however movement of an insurance split of 80% employer/20% employee anytime during the three year contract is not acceptable to the Union.

Attorney Fecker explained what options are available to the City if the members go out on strike.

MOTION 05S1-02-03 WAS MADE BY DICK PHILLIPS AND SECONDED BY DEAN EGGENA TO ADJOURN THE CLOSED SESSION AND RESUME THE SPECIAL COUNCIL MEETING AT 11:17 A.M.

Department Heads Bob Hartman, Ted Strand and Jon Henke joined the Council for the open portion of the meeting.

A resolution was prepared by Attorney Fecker, which addresses strike related matters, and requires approval by the Council upon receipt of a Notice of Intent to Strike. After review by the Council it was agreed that "may" would be added to item #10 and that "City" be included to insurance and read "city insurance" in the event of damages due to strike activities. Also, there are several documents which would be provided to employees in the event a strike occurs. It was the consensus of the Council to distribute the letters to the employees either prior to or shortly after the next Mediation Session, which will be scheduled by the Bureau of Mediation prior to May 20<sup>th</sup>.

MOTION 05S1-04-03 WAS MADE BY CHUCK MILLER AND SECONDED BY IRENE SCHULTZ TO ADOPT RESOLUTION NO. 03-23 RELATED TO STRIKE ISSUES INCLUDING THE RECOMMENDED CHANGES. MOTION CARRIED 4-1 WITH COUNCILMEMBER EGGENA VOTING NAY.

City Administrator Swenson stated that he has reviewed strike plans with each of the Department Heads and will continue in these discussions. A consulting firm has been contacted to assist in the Planning and Zoning Department at a rate of \$54.00 per hour. The City Engineer has also agreed to assist as needed. Currently, the plan is not to reduce hours in any of the departments except possibly at the Community Center due to their extended hours. Cascade Computers has been contacted and they are able to access all files on the server. All employees were sent a notice requesting that individual passwords be provided to the Clerk should the City have a need to access information. Crosslake Communications has informed the City that they can access the internet and Voicemail services should there be any problems in these areas. Some of the grading and mowing currently being done by the Public Works Department will be put on hold, however other City employees have agreed to mow the grounds and keep the ballfields in good order. Councilmember Eggena asked what the plan was should there be a windstorm and the City had extensive damage. City Administrator Swenson stated that Public Works Director Ted Strand would respond along with personnel from the Police Department and Fire Department. General Manager Leaser offered the support of his employees wherever possible and stated they are already assisting in grave openings. Erik Lee has agreed to do septic inspections as needed at a cost of \$50.00 per inspection. Entrances to the various facilities will be designated as employee entrances or contractor entrances in an attempt to avoid any work stoppage on the part of the construction contractors. Hammerlund Construction will be advised to move the pipe, that is currently being stored on the site of the current Public Works Facility, before May 20<sup>th</sup>. This will be addressed during the pre-construction meeting scheduled for Wednesday, May 14<sup>th</sup>. Councilmember Eggena suggested that volunteers be properly trained prior to using any City owned equipment. It was agreed that volunteers would be paid the regular rate paid to part time employees in order to be covered under the City's workers compensation insurance. Keys will be collected from all Union employees at the end of their shift on Monday, May 19<sup>th</sup> and will be handed out each day until the 20-day period expires or until they go out on strike. Discussion was held regarding the hours that the Community Center would be open and it was the consensus of the Council to change the hours to 8:00 A.M. to 5:00 P.M. at the Park if the employees go out on strike. Hours will not be changed prior to a strike. Employees have the right to strike but are only allowed to picket on the public right-of-way not on private or public property.


It was the sincere hope of the entire council that an agreement can be reached since there are no winners in a strike situation.

MOTION 05S1-06-03 WAS MADE BY CHUCK MILLER AND SECONDED BY IRENE SCHULTZ TO AUTHORIZE THE STAFFING OF PART TIME EMPLOYEES IN THE EVENT OF A STRIKE UPON APPROVAL OF THE CITY ADMINISTRATOR. MOTION CARRIED 4-1 WITH COUNCILMEMBER EGGENA VOTING NAY.

MOTION 05S1-07-03 WAS MADE BY CHUCK MILLER AND SECONDED BY IRENE SCHULTZ TO AUTHORIZE THE CITY ADMINISTRATOR TO CONTRACT FOR SERVICES AS NEEDED TO KEEP THE PLANNING AND ZONING DEPARTMENT IN OPERATION, TO UTILIZE ERIK LEE FOR SEPTIC INSPECTIONS AND TO UTILIZE THE CITY ENGINEER AND CITY ATTORNEY AS NEEDED. MOTION CARRIED 4-1 WITH COUNCILMEMBER EGGENA VOTING NAY.

MOTION 05S1-08-03 WAS MADE BY CHUCK MILLER AND SECONDED BY IRENE SCHULTZ TO ADJOURN THIS SPECIAL MEETING AT 12:43 P.M. MOTION CARRIED WITH ALL AYES.

Recorded and transcribed by,

A handwritten signature in cursive script, reading "Darlene J. Roach". The signature is written in dark ink and is positioned above the printed name and title.

Darlene J. Roach  
Clerk/Treasurer

SPECIAL COUNCIL MTG OPEN-CLOSED – May 12, 2003

**CITY OF CROSSLAKE  
RESOLUTION NO. 03-23**

Be It Resolved, that City of Crosslake is committed to sound collective bargaining principles and practices which will serve to resolve differences through negotiations to the mutual satisfaction of the parties and avert, the greatest extent possible, work actions such as strikes. However, the City Council recognizes that work action is the ultimate exercise of the bargaining power unions may employ as an economic sanction against the City in the event bargaining demands cannot be satisfied and recognizing that the City must take responsible precautions to ensure necessary public services will be provided in the event such action is employed. City Department Heads are hereby directed to make such preparations as will ensure continuation of necessary public services. Such preparations shall, among other things, provide that:

1. Priorities are established for all services provided by affected departments from critical - which **MUST NOT** be interrupted to the minimum level service.
2. Instruction is given supervisory personnel regarding their responsibility and conduct during a strike.
3. All employees are advised of their rights and obligations during a strike and the City's policy regarding striking employees.

Be It Further Resolved, that in the event of a strike action against the City the following conditions shall prevail:

1. Any City employee who is absent from any portion of his/her work assignment without permission of the appropriate department head on the date or dates when a strike occurs will be presumed to have engaged in a strike on such date or dates and where appropriate, will be disciplined by the City Council.
2. No wages shall be paid to employees engaging in a strike.
3. The City will mail a check for the amount of wages due a striking employee.
4. The City will not continue contributions to group insurance coverage and other benefits for striking employees. Notice will be provided such employees on how they may continue to maintain group insurance coverage.
5. No striking employee shall be entitled to vacation pay while on strike. As of the date of receipt of a strike notice, all vacation authorized for members of the striking bargaining unit is canceled.
6. No sick leave shall be granted to a striking employee while on strike.
7. No striking employee shall be eligible for any type of leave including attendance at conferences and conventions while on strike.

8. Time not worked while engaged in a strike shall not count towards seniority, step increases, or any other benefit dependent on time worked such as vacation accrual, sick leave accrual, satisfying probationary periods, obtaining City group coverage, etc.

9. If a holiday occurs during a strike, all members of the bargaining unit who have engaged in the strike shall forfeit holiday pay.

10. That the City may approve the payment of time and one-half overtime to all non-striking, non-union employees, including exempt, for all hours over 40 per week which are worked due to the strike.

11. The City will implement provision of M.S.179A.19 which provides that an employee who strikes illegally may be terminated effective the date the violation first occurs. If the City should subsequently agree to re-appoint or re-employ an illegal striker, M.S. 179A.19 requires that such employee shall be on probation for 2 years with respect to such employment.

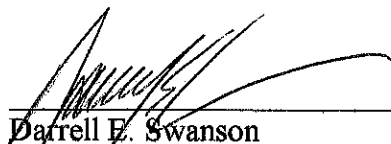
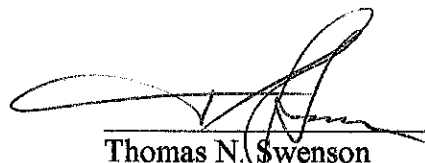
12. All leaves of absence for all employees will be automatically canceled unless reauthorized by the City Council upon input by the Department Head. Any leaves of absence during a period when a strike is taking place may be granted only upon approval of the City Council.

13. All non-striking employees must be prepared to present medical certification of illness to be eligible for sick leave.

14. Any employee who may legally strike also has a right to continue working during a strike action. All employees not in the striking bargaining unit are required to be at work or on authorized leave.

Be It Further Resolved, that non-striking employees of City of Crosslake who might incur damage which is usually connected to strike activities shall be reimbursed by the City for such damages to the extent permitted by law, provided that said damage, at the time of the alleged incident, is not otherwise covered by City insurance, and provided further that the damaged employee has taken reasonable precautions under the circumstance to prevent such damage.

Be It Further Resolved, that the City's negotiator Attorney Steven Fecker is authorized to speak publicly on behalf of the City in regard to such labor disputes and shall be the sole person authorized to speak publicly on behalf of the City during any period of strike action.

  
\_\_\_\_\_  
Darrell E. Swanson  
Mayor  
\_\_\_\_\_  
Thomas N. Swenson  
City Administrator