

**NOTES FROM A PERSONNEL COMMITTEE MEETING HELD WEDNESDAY,
NOVEMBER 10, 2010 – ROCKVILLE CITY HALL – 5:30 P.M.**

The meeting was called to order by Chair Randy Volkmuth. Roll Call was taken and the following members were found to be present: Chair Volkmuth, Bill Becker, Mayor Hagen, Susan Palmer & Duane Willenbring. Absent: None.

Also present: Administrator/Clerk Rena Weber, Jerry Schmitt & Jeff Howe.

PERSONNEL ISSUES –

FIRE CHIEF STATUS – Rena Weber reported that in checking the records Jeff Howe was appointed Fire Chief in February of 2008. The term is four years. On 1/8/09 this position was discussed again due to the fact that Jeff Howe had to report to active duty. Ralph Walz was appointed as the interim fire chief until 12/31/10 at which time this would be reviewed again. Since then Rodney Schaefer was appointed.

Jeff Howe was present to inform the committee that he has an upcoming surgery with six weeks rehabilitation that he needs to go through first. Jeff Howe was not sure if he can physically be able to do the job.

Mr. Howe was elected as a council member so the issue of conflict was also discussed. Randy Volkmuth cited the information received from the League of MN Cities in regards to the Fire Chief also being on the council

“To render two offices incompatible at common law, so that the acceptance of one would, ipso facto, vacate the other, the functions of the two must be inconsistent, as where an antagonism would result in the attempt by one person to discharge the duties of both offices.”

The court next provided several criteria of incompatibility, to wit, whether one office was “subordinate to the other” and whether one “officer (could) interfere with or (had) supervision over the other”.

In the situation presented, the Fire Chief unquestionably is subordinate to the Village Council, and the Village Council has power to control the discharge of the functions of the Village Fire Chief. Therefore we are of the opinion that Mr. “A” acceptance of a seat on the Village Council vacated the office of Village Fire Chief. Kinney v. Goergen 1971

Motion by Member Becker, second by Member Willenbring, to table action on this until Jeff Howe’s recovery is complete or get an opinion from the city attorney on the conflict issue. Motion carried unanimously.

Mayor Hagen felt that a 4 year term is too long. This needs to be addressed.

Discussion was also held regarding Don Simon and his position on the council/fire department/contract worker for the city as being a conflict of interest. This will be reviewed too.

CITY ADMINISTRATOR/CLERK EVALUATION & CONTRACT RENEWAL – Rena Weber’s evaluation and contract renewal were coming due on 11/20/10. Discussion was held regarding the contract renewal. The changes reflected a five year contract.

No formal evaluation was done; however, positive comments were given.

Motion by Chair Volkmuth, second by Member Palmer, to approve the contract as written. Motion carried unanimously.

Member Becker wished to discuss the extra work added due to the Finance Director position not being filled. That is being covered under a different proposal.

PLANNING COMMISSION APPOINTMENTS – Discussion was held regarding the process for the upcoming Planning Commission appointments and chair position.

(Upon further review it was determined that one position is up for Planning Commission on 12/31/10).

Member Volkmuth voiced concern of how Toni handles herself in regards to her role as Planning Commission Chair. He has received complaints and wants to see this addressed.

Mayor Hagen stated that she has been on for 2 years. We have tried several times to remind her they are a recommending body to the council. He would like more flexibility and feels

it would be a good idea for residents to feel that they can be considered for a Planning Commission position.

Mayor & Chair Volkmuth to talk to Toni.

ADJOURNMENT – Motion by Member Hagen, second by Member Becker, to adjourn the meeting at 5:58 p.m. Motion carried.

Submitted by Rena Weber-CMC
Administrator/Clerk

**CITY OF ROCKVILLE
CONTRACT FOR CITY ADMINISTRATOR/CLERK**

I. Purpose and Starting Date.

This is a RENEWAL contract between Verena M. Weber and the City of Rockville, State of Minnesota, for employment as the City of Rockville City Administrator/Clerk. Verena M. Weber started her employment as the City Administrator on November 20, 2002. The words "you" or "your" shall refer to Verena M Weber. The word "City" or "Council" shall refer to the City of Rockville. This contract will run from 11/21/2010 to 11/20/2015.

II. Term of Employment.

During the term of this contract, the City Administrator's employment may be terminated with just cause.

III. Duties.

You will be responsible to implement the policies, programs and instruction of the Council and to comply in all respects with all applicable State and Federal laws. You will be expected to fulfill and implement the duties set forth and explained in the position description, a copy of which is attached hereto as Exhibit A.

IV. Compensation.

A. Salary. Your beginning salary will be \$63,324 per year. A performance evaluation will be conducted by the City Council annually. This contract will be renegotiated prior to the end of contract November 20, 2015.

B. Pension. You will be enrolled in PERA, unless you choose to opt out of PERA. The City will allow you to enroll in a similar plan, meeting applicable laws, however the City will not contribute at rate higher than the amount they would contribute in PERA. You may also enroll in a City approved deferred compensation plan; however the City will not contribute to the deferred compensation plan in addition to the pension plan.

C. Insurances. The City will provide you insurance coverage the same as provided to other employees. Contact the City office for enrollment information. You would be eligible for insurance on December 7, 2002.

D. Holidays, Vacation, Sick Leave. You will be granted the same number of holidays, vacation and sick leave as other City employees, as designated in the Rockville Employee manual. After 6 month's of employment you will receive 10 days paid vacation.

E. Automobile Expense. The City will provide mileage reimbursement for the use of your personnel vehicle for conducting City business as designated in the Rockville Employee manual.

F. Dues, Subscriptions, Conference, Expenses. Within budget consideration, the City will pay for dues and related membership costs and conference attendance. The City will reimburse you for expenses incurred related to the conduct of City business. All conference attendance is subject to City Council approval.

V. Termination.

City requires a 60 day written notice if Administrator terminates.

The status of your employment may be terminated by the Council with just cause.

If the council terminates your employment you will receive 2 months notice or severance pay equal to 2 months salary, at the discretion of the Council.

Council will give written 60 day notice of termination.

If you are terminated any time thereafter, the Council will provide you with one months notice or severance pay equal to one months of salary. If your termination occurs because of criminal acts on your part relative to your duties as an employee of the city, or if you engage in misappropriation of public funds, you may be terminated without severance pay. If you are terminated with severance pay, you shall cease accruing any other benefits as of the last day of your employment. If you are terminated with notice, you may continue to accrue other benefits during your continued employment through the end of the notice period. The Council shall have discretion as to whether to provide advance notice or to provide severance pay.

VI. Execution of Contract.

This contract shall be effective only upon signatures of the Mayor and Verena M. Weber.

Dated: _____

Dated: _____

City of Rockville, Minnesota

Verena M. Weber
City Administrator/Clerk

By: _____
Jeff Hagen
Mayor

**MINUTES FROM THE ROCORI TRAIL CONSTRUCTION BOARD HELD THURSDAY,
NOVEMBER 4, 2010 – 9:00 A.M. – ROCKVILLE CITY HALL**

Chair Bob Thelen called the meeting to order and announced that introductions would now be made:

ROckville: Rena Weber-Administrator, Jerry Schmitt

COld Spring: Chair Bob Thelen & Mayor Doug Schmitz

RIchmond: Dan Coughlin-Administrator & Kevin Mooney

Others present: John & Linda Peck, Joe Chovan,

Introductions were done.

2. ADDITION TO & APPROVAL OF THE AGENDA: Rena Weber asked to have the Treasurer's Report discussed.

Motion by Member Schmitz, second by Member Schmitt, to approve the addition of the Treasurer's Report to the agenda. Motion carried.

3. RTCB ATTORNEY REPORT – Adam Ripple was unable to attend but reported by e-mail the following:

1. The abandonment will be from 178th St east to Mill Creek, as shown in the attached figure from BNSF. SUPER TO SEE IT ON PAPER!
Joe Chovan asked if we can start talking price – refer to Adam
Jerry Schmitt asked will any of the grants run out before this gets approved.
2. BNSF has not yet filed the abandonment, but they have said they are very close. I hopefully optimistic because they included an STB docket number on their map, which means they are not messing around.
Kevin Mooney arrived at 9:13 a.m.
3. Scott has been working with BNSF to help expedite their environmental/historical review process. This assistance will hopefully speed up the filing process.
4. The county attorney's office has finally responded, and they have requested a couple of minor revisions to the agreements. I am working to iron out these last details and expect to ask for a special meeting of the Board before Thanksgiving.
Chair Thelen reported the agreement was brought up in Cold Spring and the council ordered the Mayor and Administrator to sign the document.
Dan Coughlin reported that Richmond approve the agreement.
Rena Weber reported that Rockville had no objections at this time.
5. Rinke Noonan has continued to hold its billing which now totals \$17k since February. I anticipate billing once the agreements are signed. Once again, most legal fees are not eligible for reimbursement under the grants. Can it apply to in-kind?

4. SEH FUNDING & ENGINEERING - HEIDI'S MESSAGE - I'm sorry but I cannot attend either. No new news on funding. But the elections may have hurt our chances with the fed appropriations. SEH's finance advisory team will be meeting soon to strategize. I'll update you at our Dec meeting.

Ask Heidi if the abandonment info will help or hurt us in getting federal funding.

5. REPORTS BY ENTITY:

- A. Rockville – Rena Weber reported on the election changes (reduction in council and new members Jeff Howe and Don Simon). Rena also reported the city was awarded a \$5700 Wellhead Protection Implementation grant
- B. Cold Spring - Mayor Schmitz reported that their road construction projects are just about done, Granite Landing project is proceeding and they will be tarring 3rd Ave S this week. Elections – Doug Schmitz was re-appointed for 2 years, Fran Ramler & Dave Stadther will be on the council.
- C. Richmond – Dan Coughlin reported on the election results – Jim Hemmesch was re-elected Mayor, Council members will include Scott Kron and Mike Mathiason.

INVITE JEFF MERGEN AND CHUCK WOCKEN TO DECEMBER MEETING – Dan Coughlin will take care of the invitation.

6. PAYMENT OF CLAIMS – NONE

TREASURER'S REPORT – Rena reported on the following:

Checking	\$ 1,970.57 with \$.21 Interest this month
Savings	\$176,974.96 with \$135.27 Interest this month

Motion by Member Schmitz, second by Member Schmitt, to approve the Treasurer's Report as presented. Motion carried unanimously.

7. MINUTES OF 10/7/10

Motion by Member Mooney, second by Member Schmitt, to approve the minutes of 10/7/10 as presented. Motion carried unanimously.

8. AGENDA ITEMS FOR FUTURE MEETINGS–

SPECIAL MEETING – Board members only.

DECEMBER MEETING – Heidi Peper should bring her power point presentation to show Jeff Mergen where we started, where we are.

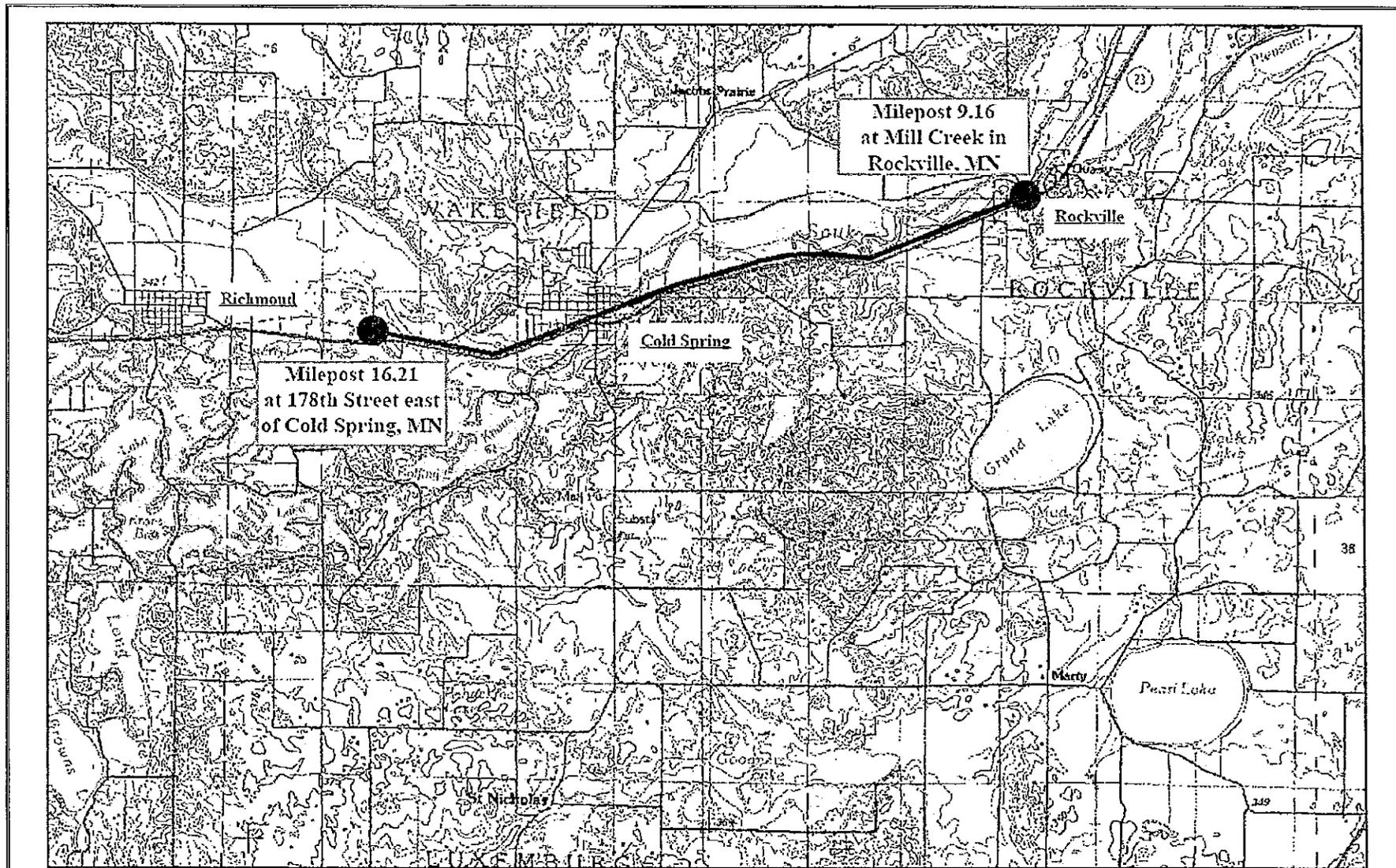
It was determined that we need to invite Chuck Wocken to speak about the status of the trail on County Road 138.

Adam Ripple should speak about the abandonment status and the fiscal agent agreement.

9. OTHER ITEMS & RELATED MATTERS – Linda Peck inquired about the flexibility along the trail – either the DNR or the County taking over the maintenance – should we be discussing this?

10. ADJOURNMENT – ***Motion by Member Schmitz, second by Member Mooney, to adjourn the meeting at 9:49 a.m. Motion carried unanimously.***

Submitted by
Rena Weber – Administrator/Clerk



STB Docket No.
AB-6 (Sub-No. 472X)

Rockville to Cold Spring,
Minnesota

BNSF Line Segment 203
Milepost 9.16 to Milepost 16.21

Cold Spring Branch
Stearns County

Base Map – United States Geological Survey
Litchfield, Minnesota
30 x 60 minute series
45094-A1-TM-100
1986

