

SPECIAL COUNCIL MEETING – JUNE 7, 2016

A special meeting of the Common Council of the City of Marshall was held on June 7, 2016 in the Board Room at the Marshall-Lyon County Library, 201 C Street. The meeting was called to order at 5:30 P.M. by Mayor Byrnes. In addition to Byrnes the following members were present: Doom, Bayerkohler, DeCramer and Conyers. Absent: Schafer and Sturrock. Staff present included: Sheila Dubs, Interim City Administrator/Human Resource Manager; Tom Meulebroeck; Finance Director; Dennis Simpson, City Attorney and Cathy Lee, Executive Assistant. Others in attendance included: Deb Gau from the Marshall Independent and via phone conference Gary Weiers, from David Drown Associates.

DISCUSSION ON EMPLOYMENT AGREEMENT FOR CITY ADMINISTRATOR:

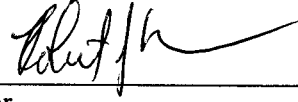
Mayor Byrnes reviewed with the Council that following the candidate selection process on June 2, 2016, the Council authorized Mayor Byrnes, Gary Weiers, and Sheila Dubs to negotiate an employment agreement with Nicholas Johnson. Byrnes indicated that an employment agreement template from Flaherty & Hood was utilized along with the City's Personnel Policies and the prior City Administrator's contract to develop the contract terms. Byrnes reviewed the terms of the Agreement with the Council and indicated that Johnson signed the agreement on June 3, 2016 with no negotiated changes. In accordance with the Agreement, Johnson's date of employment will begin on July 11, 2016 with a salary at the City's Step 1 rate of \$98,883.20. The sick leave clause follows the City's policy for all other non-union employees. Vacation credit was provided for 6 years of experience as City Administrator in his prior employment. The insurance provision is similar to the prior City Administrator agreement except for the additional last sentence where the Administrator is required to elect either single or family insurance. The relocation clause reflects the same language as in the prior City Administrator's agreement. Bayerkohler asked about the cell phone clause. Dubs explained the two options available, City-owned and Employee-owned and reviewed the costs associated with each. Byrnes indicated that clause 19 reflects the template language except for the notice period; standard language is 30 days and this Agreement provides for a 45-day notice. Weiers explained the Termination Benefits clause. City Attorney Simpson suggested language amendments to clause 31. Following discussion, Simpson withdrew his concerns and it was decided to leave the clause as printed. Simpson did request added language "or in bad faith" to clause 22 to be consistent with state statute language.

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion to approve Employment Agreement between the City of Marshall and Nicholas Johnson for the position of City Administrator. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0**. The motion **Carried 5 - 0**

There was discussion after the approval regarding follow up reviews between Gary Weiers of David Drown Associates and Nicholas Johnson. Weiers indicated that he would do follow up reviews with Mr. Johnson regarding problem solving and address any issues, on an as needed basis. He could be involved in the 6-month review as a facilitator. It was suggested that we have this evaluation at Johnson's five-month anniversary, in December, so that if there are new elected officials in January, the Council that worked with him would be evaluating his performance. There is no charge for involvement in this process from David Drown Associates, it is part of the original contract.

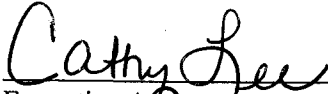
SPECIAL COUNCIL MEETING – JUNE 7, 2016

Doom moved, DeCramer seconded that the meeting be adjourned at 5:55 P.M. All voted in favor of the motion.



Mayor

Attest:



Executive Assistant