

City of Cologne
October 10, 2012

Pursuant to due call and notice thereof, a council meeting was held on Wednesday, October 10, 2012 at the Cologne Community Center. Mayor Bernie Shambour called the meeting to order at 8:00 p.m. Councilmembers Matt Lein, Don Meyer, Scott Williams and Jill Skaaland were present. City Administrator John Douville, City Attorneys Kelly Dohm and Neil Jensen were present.

Bernie: Okay. We're going to call to order the closed open meeting session dated October 10, 2012. With us at this meeting is the full Cologne City Council, city attorneys Dohm and Jensen, Carver County deputy Lance Pierce, and city administrator John Douville. First order of business is to talk about the independent contractor Terry Bullock.

A. INDEPENDENT CONTRACTOR WASTEWATER TREATMENT PLANT

City Attorney Kelly Dohm updated the council on changes made to the Independent Contractors Wastewater Treatment Plant agreement.

- a. The city shall review, approve, and remit payment of the invoice by the 14th day after receipt of said invoice from the contractor as well as inform contractor by the same date of any dispute regarding payment of the invoice.
- b. The city shall remit payment to the contractor in the amount of \$800 for services performed in the month of December, 2012 following receipt of said invoice for services performed by contractor in accordance with this provision.

Attorney Dohm stated the Agreement between the City of Cologne and Terry Bullock, Wastewater Treatment operator should be acceptable with the changes made.

Motion by Williams, seconded by Lein to approve the Independent Contractor Agreement. Motion passed unanimously.

B. EMPLOYEE SUSAN MUELLER EMPLOYEE PERFORMANCE

Councilmember Jill Skaaland updated the Council on Susan Mueller's performance over the last couple months. The city council has concluded its review as to Ms. Mueller's work performance and at this time is able to provide a summarization of its conclusions regarding Ms. Mueller's work performance which is the following: Ms. Mueller has performed her work duties to the satisfaction of the city council. Two areas of improvement were discussed and improvements were recommended. Councilmember Scott Williams recommended a verbal warning be given and a Planned Improvement Performance be issued for 30, 60 and 90 day review.

Motion by Williams, seconded by Lein to approve the Employee Planned Improvement Performance and verbal warning. Motion passed unanimously.

C. CITY ADMINISTRATOR JOHN DOUVILLE EMPLOYEE PERFORMANCE

The City of Cologne has reviewed Mr. Douville's performance since he was placed on a performance improvement plan on or about May of 2012. The Personnel Committee reviewed his performance with them in accordance with the Performance Improvement Plan and shared concerns of Mr. Douville's performance with the full city council during this time period as well as with Mr. Douville. The city council has finalized its conclusion regarding Mr. Douville's performance during this time period and is able at this time to provide the following summarization as it relates to Mr. Douville's performance. Mr. Douville has not met the expectations of the city council as it relates to his performance under the Performance Improvement Plan and/or as it relates to his performance overall of his duties as the City Administrator for the City of Cologne.

Mr. Douville has been deficient in several areas including, but not limited to, the following:

- Failure to execute or provide to the City a viable continuity plan for the Cologne iSP.
- Failure to plan and direct all city operations to ensure effective and efficient municipal services
- Failure to develop projects in line with objectives and guidelines established by the City Council
- Failure to exercise administrative supervision to the satisfaction of the City Council
- Failure to coordinate legal and iSP activities to the satisfaction of the City Council
- Failure to direct and manage all aspects of the financial and administrative operations for the City to the satisfaction of the City Council
- Ineffective working relationships with certain co-workers
- Substantially disregarding the City's interests in performing job duties on several occasions
- Engaging in repeated refusal or failure to follow the City's directives on several occasions
- Engaging in conduct that is prohibited under the City's personnel policies
- Engaging in retaliatory conduct against certain employees for those employees reporting unwelcome or harassing conduct on the part of himself
- Destruction of city property without the city council's consent
- Engaging in conduct that threatens, intimidates, or coerces other employees and council member.
- Ineffective leadership capabilities and decision making processes
- Questionable activities involving Cologne issued laptop
- Failure to be forthright with the City as it relates to critical matters relating to his employment
- Failure to treat all city council members and employees with respect and dignity
- Timely deposit of Hans Hagen transportation fee
- Failure to notify the city council of the surrounding crossover refunding
- Failure to execute or provide the city a viable continuity plan

Jill: Violation of basic code of ethics, and the usage of public office for personal gain.

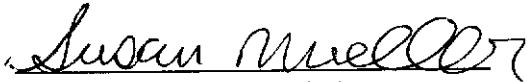
Motion by Williams, that John Douville be involuntary terminated for cause as defined within the employee's agreement effective immediately for reasons as set forth in the personnel committee memo to the city council dated October 10, 2012, seconded Skaaland. Aye, Williams, Skaaland, Meyer and Shambour. Nay Lein.

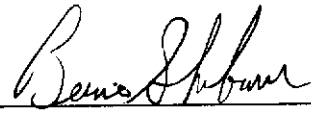
Mayor Bernie Shambour recommended a motion to adjourn the meeting.

Motion by Williams, seconded by Lein to adjourn the meeting. Motion passed unanimously.

John: I want to thank everybody for the time I've been able to serve this community. I hope I've done a few things well here. Have a good night.

Attest:


Susan Mueller, Deputy Clerk


Bernie Shambour, Mayor