



**SPECIAL CITY COUNCIL MEETING
AGENDA
Monday, April 25th, 2022
4:30 p.m.**

**The April 25th, 2022 Special City Council Meeting will be held in-person at the
Afton City Hall
3033 St. Croix Trail
Afton, MN 55001**

AGENDA

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF AGENDA** – April 25, 2022 Council Work Session
- 4. CITY COUNCIL BUSINESS**
 - A. Closed Session** for City Administrator Performance Evaluation
 - B. Review of Proposals Received for Legal Services and Selection of Legal Firms to be Interviewed
- 5. ADJOURN**

City of Afton
3033 St. Croix Trl, P.O. Box 219
Afton, MN 55001

Meeting Date April 25, 2022

Council Memo

To: Mayor Palmquist and City Council Members

From: Ron Moorse, City Administrator

Date: April 21, 2022

Re: City Administrator Performance Evaluation

The Council members have received City Administrator performance evaluation forms to guide the performance evaluation process and meeting. The evaluation form is also attached. Also attached is information regarding the City Administrator pay step schedule.

**PERFORMANCE APPRAISAL FORM
CITY OF AFTON**

CITY ADMINISTRATOR

EMPLOYEE NAME: Ron Moorse **DATE:** _____

PERIOD BEING APPRAISED: FROM: January 1, 2020 **TO:** December 31, 2021

APRAISER NAME

PART A — PERFORMANCE RATINGS — *(Rate the employee's performance as compared to the job expectations. Please give specific examples to illustrate the reason(s) for each rating.)*

BE / ME / EE = Below Expectations / Meets Expectations / Exceeds Expectations.

1. COMMUNICATION:

- Expresses ideas and concerns clearly, both verbally and in writing
- Prepares and delivers presentations effectively and persuasively.
- Keeps the City Council informed, closes communication loops, and respects the communication needs of the Council as a body, and as elected individuals.
- Written communications to the City Council, staff, citizens, intergovernmental bodies, other municipalities, the media, and the public is accomplished in an effective manner.
- Verbally presents information and data in a clear, concise and understandable manner and is able to match his presentation style to different audiences as appropriate to the material being disseminated.

BE _____
ME _____
EE _____

2. COMMITMENT TO SERVICE: Acts in a professional and business-like manner. Is open and helpful to other employees and the public. Avoids conflict of interest or appearance of such.

BE _____
ME _____
EE _____

3. SUPERVISION AND STAFF RELATIONS

- Effectively delegates and makes assignments to employees. Gives employees sufficient latitude, direction and support to effectively complete assignments.
- Motivates, guides, coaches and develops staff.
- Is accurate and fair in evaluations of performance.
- Provides timely, ongoing feedback (both positive and constructive).
- Creates a climate for success.
- Treats all staff with respect and dignity.

BE _____
ME _____
EE _____

4. BUDGET AND FINANCIAL MANAGEMENT

- Ensures the City's finances are effectively and prudently managed
- Demonstrates ability to plan and forecast annual and long range budgets

- Displays sound judgment regarding budgeting

BE _____
ME _____
EE _____

5. LEADERSHIP

- Effectively and efficiently carries out the goals and objectives of the City Council
- Demonstrates sound judgement and makes timely decisions within the scope of the job responsibilities

BE _____
ME _____
EE _____

6. KNOWLEDGE OF FIELD: Demonstrates a good understanding of and ability to apply current principles, practices, techniques and technology of the field. Learns and incorporates new ideas, trends, methods and approaches. Understands and uses appropriate public processes.

BE _____
ME _____
EE _____

PERSONAL CHARACTERISTICS

1. DECISION-MAKING: Analyzes reasonable alternatives, utilizes appropriate resources, and considers all pertinent facts and issues. Demonstrates sound judgment and makes timely decisions.

BE _____
ME _____
EE _____

2. INITIATIVE: Seeks opportunities to improve job performance; identifies ways to meet or exceed organizational goals and standards.

BE _____
ME _____
EE _____

3. DEPENDABILITY: Accepts responsibility for completing assigned tasks; follows through on projects. Can be counted on. Exhibits good attendance and is punctual.

BE _____
ME _____
EE _____

4. TEAMWORK: Works and interacts effectively with others to accomplish group's over-all goals. Shares and solicits ideas for improvement in the operation.

BE _____
ME _____
EE _____

5. INTERPERSONAL RELATIONS

- Acts with honesty and integrity in all situations
- Treats others with respect and dignity
- Listens and communicates well with individuals and groups

BE _____

ME _____

EE _____

PART B — GOALS FOR NEXT REVIEW PERIOD (List goals for next review period along with timelines for review.)

1. Goal: _____

Timeline for review: _____

2. Goal: _____

Timeline for review: _____

3. Goal: _____

Timeline for review: _____

PART C — OVERALL PERFORMANCE RATING (The overall rating should be a summary of the employee's overall performance. General traits should be considered relative to their importance but more emphasis should be placed on performance of key responsibilities specific to an employee's position. Place a check mark in the area that best reflects the employee's overall performance. (Check one:

Below Expectations

Meets Expectations

Exceeds Expectations

EXPLANATION FOR OVERALL RATING: _____

EMPLOYEE'S COMMENTS:

I have read and have had an opportunity to discuss this performance appraisal with my supervisor. I understand that I have the right to prepare and submit additional comments on any areas of this evaluation. My signature does not necessarily mean that I agree with this rating.

City Administrator Signature: _____

Date: _____

Mayor/City Council Member: _____

Date: _____

City Administrator's Comments: _____

Letter of Agreement

The City of Afton (Employer) and Ronald J. Moorse (Employee) hereby agree that they will, in a timely manner, approve amendments to the current employment agreement with the Employee dated September 24, 2012 to reflect the following terms of employment effective July 1, 2014:

Other Financial Benefits

The Employer shall provide a payment to the Employee in the amount of \$2,200 per month to be used as Employee chooses, in lieu of providing group health and dental insurance coverage and other benefits, and shall provide the same disability insurance benefits as provided to other non-union employees.

Compensation

The Employee will be placed into step 1 of the following pay schedule effective July 1, 2014. Effective July 1, 2015, the pay schedule steps will be adjusted by an economic (COLA) adjustment, if other City employees receive one, which may or may not occur (**the economic adjustment will be the same as provided to other employees for 2015**) and the Employee will be placed into step 2 of the 2015 pay schedule, subject to performance meeting expectations. This process of pay adjustments will continue on an annual basis as described under "Pay Schedule Administration".

Pay Step Schedule for 2014

Step 1	Step 2	Step 3	Step 4	Step 5
\$88,150	\$89,900	\$93,400	\$96,900	\$99,000

Pay Schedule Administration

If, in any year, an economic (COLA) adjustment is generally provided to City employees, the pay schedule steps will be adjusted by the same amount. After the Employee reaches step 3 of the pay step schedule, the pay steps will no longer be increased by an economic (COLA) adjustment. After the top step of the pay schedule is reached, annual adjustments are COLA only, provided COLA adjustments are provided to other City employees.

Movement through the steps of the pay schedule is on an annual basis at July 1, subject to performance meeting expectations.

Termination

Notice of Termination

In the event that the Employer determines the Employee is to be terminated during such time while the Employee is willing and able to perform the duties of City Administrator, then the Employer agrees to provide a four (4) month notice of termination to the Employee, during which the salary and other

financial benefits of Employee will not be reduced in a greater percentage than across-the-board reductions given to all non-union employees. Or, as an alternative, the Employer agrees to pay Employee at the time of receipt of his last pay check a lump sum cash payment equal to four months salary. Or, the Employer may provide a combination of both alternatives for a total period of four (4) months. However, in the event the Employee is to be terminated because of his malfeasance in office, gross misconduct, conviction for a felony, or conviction for an illegal act involving personal gain to Employee, then the Employer shall have no obligation to provide the six month notice of termination.

Hours of Work

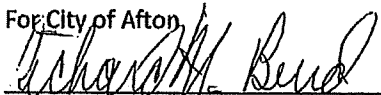
A regular full-time work schedule of 40 hours per week.

City Administrator position to be maintained as a full-time position

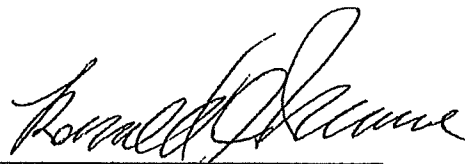
The Employer will maintain the City Administrator position as a full-time position during the tenure of the Employee in the position.

Signed:

For City of Afton



Richard Bend, Mayor



Ronald J. Moore

City Administrator Pay Step Schedule

The City Administrator pay step schedule was set out in the attached letter of agreement. The following is the pay step schedule for 2021 and 2022. The City Administrator's current pay level is \$99,100.

	Step 1	Step 2	Step 3	Step 4	Step 5
2021	\$96,800	\$98,700	\$102,600	\$106,000	\$108,700
2022	\$99,700	\$101,700	\$105,700	\$109,200	\$112,000

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Meeting Date April 25, 2022

Council Memo

To: Mayor Palmquist and City Council Members

From: Ron Moorse, City Administrator

Date: April 21, 2022

Re: Legal Services Proposals

The Council has received electronic copies of the proposals received for legal services. Hard copies were provided at the April 19 Council meeting, and will be available at the Special Council Meeting. Attached is a listing of the seven firms who submitted proposals and their proposed rates. Five of the firms provided proposals only for municipal civil legal services. Two of the firms provided proposals for both civil legal services and prosecution services.

Proposed Rates For General Civil Matters

The hourly rates for general civil legal services range from \$160/hr to \$285/hr. The average hourly rate is \$193/hr. A rate of \$180 to \$185 per hour was the most common rate proposed. Two firms proposed a fixed monthly fee for civil legal services with some limitations. Holstad and Knaak has proposed a fixed monthly fee of \$2,250, which covers up to ten hours of litigation per month. Litigation hours beyond ten have a rate of \$150/hr. Levander has proposed a fixed monthly fee of \$2,000 for all civil matters, with the exception of litigation and pass-through matters, which have an hourly rate of \$210.

Hourly Rate vs. Fixed Monthly Fee

As indicated above, two firms proposed a fixed monthly fee vs. an hourly rate for civil legal services. Staff has reviewed a small sample of monthly invoices from Holstad and Knaak in 2021 and 2019 to get an idea of the number of hours spent on a monthly basis. The invoices include both attorney and paralegal hours. For three sampled months in 2019, the average attorney hours was 12 per month and the average paralegal hours was 21 per month. For three sampled months in 2021, the average attorney hours per month was 20 and the average paralegal hours was 20. There is a substantial difference between the attorney hours in 2019 and in 2021. Also, the paralegal hours did not change from 2019 to 2021. Staff will do more sampling of hours, and this topic should be a discussed with Holstad and Knaak to enable a better understanding of their fixed fee option.

Proposed Rates for Prosecution Services

As indicated above, only two firms provided proposals for prosecution services. They were Holstad and Knaak, and Eckberg Lammers. Both have proposed a fixed monthly fee for prosecution services. The fee from Holstad and Knaak is \$2,250 per month. The fee from Ekberg Lammers is a flat fee of \$30,000 (\$2,500 per month) for the first year.

Selection of Firms for Interviews

The next step in the RFP process is the selection of preferred firms for interviews. Based on the City's needs and the information provided in the proposals, the Council can select the firms they would like to interview.

Dates for Interviews

The RFP indicated the interviews would be held from May 2 to May 5. The Council can select the dates that work best.

2022 CITY ATTORNEY RFP

Name of Firm	General Rate	Special Matters Rate	Pass Through Rate
Eckberg Lammers (Civil)	\$185/hr	NA	\$300.00
Eckberg Lammers (Crim.)	\$2,500/mo.	NA	NA
Felhaber Larson (Civil)	\$285/hr	NA	\$385.00
Hoff Barry (Civil)	\$185/hr	\$205.00	\$250.00
Holstad & Knaak (Civil and Crim)	\$4,500/mo.*	NA	NA
Kennedy & Graven (Civil)	\$180/hr	\$210.00	\$260.00
LeVander et al (Civil) Alt. 1	\$160/hr	\$210.00	\$210.00
Levander et al (Civil) Alt. 2	\$2,000/mo	\$210.00	\$210.00
Ratwik, Roszak (Civil)	\$165/hr	\$185.00	\$205.00

* includes up to 10 hours per month of civil litigation time. Hours beyond 10 are billed at \$150/hr