



City of Grand Island

Tuesday, August 21, 2012
Special Meeting

Item G4

Approving Minutes of August 3, 2012 City Council Special Meeting

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL SPECIAL MEETING

August 3, 2012

Pursuant to due call and notice thereof, a Special Meeting of the City Council of the City of Grand Island, Nebraska was conducted in the Council Chambers of City Hall, 100 East First Street, on August 3, 2012. Notice of the meeting was given in *The Grand Island Independent* on August 3, 2012.

Mayor Jay Vavricek called the meeting to order at 4:00 p.m. The following City Council members were present: Chuck Haase, Bob Niemann, Kirk Ramsey, Peg Gilbert, Linna Dee Donaldson, Scott Dugan, Vaughn Minton, and John Gericke. Councilmember's Larry Carney and Mitch Nickerson were absent. The following City Officials were present: City Administrator Mary Lou Brown, City Clerk RaNae Edwards, City Attorney Robert Sivick, Finance Director Jaye Monter and Interim Public Works Director Terry Brown.

INVOCATION was given by Pastor Gary Schulte, Evangelical Free Church, 2609 South Blaine Street followed by the PLEDGE OF ALLEGIANCE.

Motion by Gericke, second by Ramsey to limit speaking time to 5 minutes. Upon roll call vote, all voted aye. Motion adopted.

Approving Censure Document Regarding Mayor Jay Vavricek (See attached): City Attorney Robert Sivick reported that his job as Grand Island City Attorney could often be difficult when there was controversy. He represents the Mayor, City Council, and the City of Grand Island. He was bound by the oath of his office to follow the law. Mentioned was the state statutes and city code with regards to the City Administrator's resignation. Explained was the law and reasons regarding censure of the Mayor. He recommended that the Council take no action on the censure of the Mayor.

Council President Gilbert stated she consulted with legal counsel from the Nebraska League of Municipalities and that this Special Meeting was requested to publicly conclude the ongoing issue of the City Administrator's position. Mentioned was the importance of communication between the Mayor and Council and that the censure statement was a public statement of the Council's view. Commented were the wonderful things going on in the community. She stated they wanted to stop the ongoing negative blemish on city government and restore a sense of calm, effective, efficient and confidence in the leadership of staff and elected.

President Gilbert requested the Mayor remove himself from the Chair because of his partiality. Mayor Vavricek ruled against this request. Councilmember Haase objected and mentioned that Roberts Rules of Order was a guideline. Mr. Sivick stated since there was no motion yet on the floor the request was premature.

Jeb Wolsleben, 1620 North Huston Avenue and Paul Wicht, 936 South Kimball spoke in support of the censure.

Alan Usher, 3205 West No. Front Street read a statement on behalf of the Mayor. Mentioned were the conversations with the Council and the background of the resignation of the City

Administrator effective September 30, 2012 and the appointment of Marlan Ferguson. Reasons mentioned for not hiring Mr. Ferguson as City Administrator were: the City did not have the resources for two City Administrator's, did not want to compromise the Economic Development Corporation's future; utilize the expertise of Ms. Brown through the budget process; and it would be wrong to pay off a City employee after they resigned.

Ken Gnadt, 1610 Gretchen Avenue spoke of the successes in Grand Island and the importance of working together. Commented were three reasons to have Ms. Brown stay in the City Administrator's position: 1) in the middle of the budget session 2) in house Program Prioritization expert and 3) renewal of LB 840.

Mayor Vavricek extended his apologies to Council and staff. Mentioned were lessons learned.

Motion by Gilbert, second by Haase to approve the censure document regarding Mayor Jay Vavricek (see attached).

Discussion was held with regards to what the censure was. Mr. Sivick stated there was no legal effect. It was just a statement by Council. Question was asked if the City could have two City Administrators. Mr. Sivick stated there was only one FTE in the budget for City Administrator. Since Ms. Brown submitted her resignation as of September 30, 2012 it would be less confusing and cause less problems to staff if there was only one City Administrator to report to due to the extended period of time when two would be serving.

Comments were made concerning the City moving forward if Ms. Brown continued as City Administrator. Mentioned was faith in the current Finance Director Jaye Monter to complete the budget. Improvements were seen at City Hall after the resignation and departure of Ms. Brown and there were no positives for Ms. Brown, the staff or the City in having Ms. Brown return.

Councilmember Haase mentioned receiving feedback from the community and employees. Council needed to be participants of City government and it shouldn't be a monarchy. Mentioned was working together as a team on this issue and others. It was stated the Council was asking the Mayor for a reconsideration of returning Ms. Brown to City Hall and if there were other alternatives.

Councilmember Gericke stated experience as a City Administrator in government was a requirement for the position. It was stated that at the June 26, 2012 Council meeting the Mayor had stated he had asked for, received and accepted the resignation of Ms. Brown and that it had never been brought to the City Council for a vote.

Mayor Vavricek turned the meeting over to Mr. Sivick to preside. Mayor raised a Point of Order regarding Gilbert, clarifying her ability to speak twice. Mr. Sivick stated the first time she spoke was to present.

Council President Gilbert commented on her understanding of the consulting role of Ms. Brown through September 30, 2012 at the time of her resignation. Ms. Brown's keys were turned in, access to computers was eliminated and limited access to the building had taken place. The only method to bring the Council together to talk about this issue was the Special Meeting.

Mayor Vavricek stated that he announced on June 26, 2012 that Mary Lou Brown submitted her resignation as of September 30, 2012. He commented about the City Administrator having 10 different bosses and the concern of anyone wanting to come serve as the next City Administrator. Explained were the events that took place during and after Ms. Brown's resignation. Mentioned was that since there would be no interim City Administrator it was necessary for the Mayor to have Ms. Brown come back to City Hall. Mayor stated he respected each of the Councilmember's opinions to arrive at his decisions. He stated he does not have the ability to fire without the Council's approval.

Councilmember Haase made comments concerning the exit clause in Ms. Brown's contract. Mentioned were three exit clauses which all required the City Council's approval.

Council President Gilbert commented on the events that had taken place with regards to an Interim City Administrator. She stated the EDC Board had agreed to a 90 day leave of absence. She asked the Mayor why he didn't want Mr. Ferguson as an Interim. It was stated the Mayor wanted to work with Ms. Brown. Mr. Ferguson had no knowledge of the change in events.

Councilmember Dugan called the question. Mayor Vavricek called for a Point of Order stating not every member had spoken. Mr. Sivick acting as Chair exercised his discretion as acting Chair and allowed further comments.

Councilmember Minton stated mistakes had been made by both the Council and the Mayor and the need to come together. Councilmember Gericke stated that the reasons for Ms. Brown's resignation had not been released.

Councilmember Gericke called the question. Mayor Vavricek stated he did not have his second opportunity to speak.

Mayor commented on the conflict of interest with regards to the City Attorney raised earlier in the meeting. Mr. Sivick represented eleven people giving legal opinions without the Mayor's awareness. Mentioned was that the Mayor does not approve any settlement without the City Council's approval.

Acting Chair Sivick asked for the vote. Upon roll call vote, Councilmember's Haase, Niemann, Ramsey, Gilbert, Donaldson, Dugan, and Gericke voted aye Councilmember Minton voted no. Motion adopted.

ADJOURNMENT: The meeting was adjourned at 5:45 p.m.

RaNae Edwards
City Clerk

The City Council of Grand Island hereby censures Mayor Jay Vavricek for ignoring the assemblies will and substituting his own. This motion is based on the actions related to the resignation of the City Administrator, announcing an interim and then reinstating the previous City Administrator into an active role in the governing of the city. The City Council member's advice was solicited by the Mayor on the interim appointment and reinstatement of the previous City Administrator. The Mayor chose to ignore the consultative advice and proceed in an opposing direction.

The result of this action, the Council believes, has led to administrative disorganization of the city. The Council's concern is this action is detrimental to the functioning of the operations of the city and its employees, provides a security risk of its systems, and diminishes the public confidence in the elected leadership.

We acknowledge according to City Code and legal advice the council cannot unilaterally alter the above decision. However, this document is meant to serve as an official reprimand, aimed at asking the Mayor to reconsider this action. In addition, the council calls upon Mayor Vavricek to work as a team with the City Council, to unify the Administrative leadership role, and ultimately restore public confidence.

The council pledges to work actively and collaboratively to restore clear, effective, and respectful communication with the Mayor. The council will be vigilant in assuring that issues for the citizens of Grand Island are managed with clarity, efficiency and integrity.

Attachment to Request for Special Meeting Document Dated July 31, 2012

Attachment