



City of Grand Island

Tuesday, April 12, 2005

Council Session

Item G2

Approving Minutes of March 29, 2005 City Council Special Meeting

*The Minutes of March 29, 2005 City Council Special Meeting are submitted for approval.
See attached MINUTES.*

Staff Contact: RaNae Edwards

OFFICIAL PROCEEDINGS

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL SPECIAL MEETING

March 29, 2005

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 March 29, 2005. Notice of the meeting was given in the *Grand Island Independent* on March 23, 2005.

Mayor Jay Vavricek called the meeting to order at 9:00 a.m. The following members were present: Councilmembers Meyer, Whitesides, Pielstick, Gilbert, Nickerson, Cornelius, Pauly, Hornady, Walker and Haase. The following City Officials were present: City Administrator Gary Greer, City Clerk RaNae Edwards, and City Attorney Doug Walker.

The City was represented by Attorney Bill Harding. Howard Maxon was present and represented by his Attorney Vincent Valentino.

INVOCATION was given by Councilmember Jackie Pielstick followed by the Pledge of Allegiance.

PERSONNEL HEARING FOR HOWARD MAXON, EMERGENCY MANAGEMENT DIRECTOR: Mayor Vavricek reported that charge #3 of the Charges of Misconduct Against Howard Maxon, Emergency Management Director had been withdrawn. He then turned the meeting over the Hearing Examiner John Higgins. Mr. Valentino requested that the witnesses be sequestered. There was no objection from Mr. Harding. Hearing Examiner Higgins granted the request.

Mr. Valentino raised the question of Mr. Harding prosecuting this case without council approval. City Attorney Doug Walker was called as a witness and sworn in to answer questions with regards to the hiring of Mr. Harding.

Hearing Examiner Higgins recessed at 9:25 a.m. to discuss the matter with Mr. Harding and Mr. Valentino. The meeting was reconvened at 9:27 a.m.

Mr. Valentino objected to Mr. Harding as council for the City. Objection was overruled by Hearing Examiner Higgins.

Opening statements were given by Mr. Harding, with Mr. Valentino reserving his opening statements for a later time.

Gary Greer, City Administrator was called and sworn in to testify on behalf of the City regarding the termination of Howard Maxon:

A recess was taken at 10:30 a.m. until 10:45 a.m. with testimony resuming at that time.

The council took a lunch recess at 12:00 p.m. and reconvened at 1:15 p.m.

Dale Shotkoski, Assistant City Attorney was called and sworn in to testify on behalf of the City.

A recess was taken at 2:50 p.m. until 3:00 p.m. with testimony resuming at that time.

David Springer, Finance Director was called and sworn in to testify on behalf of the City.

Brenda Sutherland, Human Resources Director was called and sworn in to testify on behalf of the City. Mr. Valentino requested that this witnesses testimony be held in closed session due to the confidentiality of her testimony as it related to personnel issues.

Council President Hornady asked for a motion to go into Executive Session. Motion was made by Cornelius, second by Pielstick to go into Executive Session at 4:00 p.m. for the purpose of discussing personnel issues. Upon roll call vote, all voted aye. Motion adopted.

Motion was made by Cornelius, second by Walker to reconvene in regular session at 4:25 p.m. Upon roll call vote, all voted aye. Motion adopted.

A recess was taken at 4:35 p.m. until 4:45 p.m. with testimony resuming at that time.

Paul Briseno, Assistant to the City Administrator was sworn in to testify on behalf of the City.

Mr. Harding rested the City's case at 5:15 p.m.

Mr. Valentino gave his opening statement.

A recess was taken at 5:25 p.m. until 5:30 p.m. with testimony resuming at that time.

Charles Kemery, Bedford, Iowa was sworn in to testify on behalf of Howard Maxon through a telephone conference call.

Dale Shotkoski, Assistant City Attorney still under oath was called to testify.

A dinner recess was taken from 5:50 p.m. to 7:00 p.m. with testimony resuming at that time.

Marla Conley, County Clerk was sworn in to testify on behalf of Howard Maxon.

Howard Maxon, Emergency Management Director was sworn in to testify.

A recess was taken at 8:35 p.m. to 8:52 p.m. with testimony resuming at that time.

A recess was taken at 10:12 p.m. to 10:28 p.m. with testimony resuming at that time.

Gary Greer, City Administrator still under oath was called by Mr. Harding as a rebuttal witness.

Bill Harding gave closing remarks on behalf of the City from 10:35 p.m. to 10:50 p.m.

Vincent Valentino gave closing remarks on behalf of Howard Maxon from 10:50 to 11:00 p.m.

EXECUTIVE SESSION:

Motion by Cornelius, second by Walker, carried unanimously to adjourn to executive session at 11:00 p.m. for the purpose of discussing personnel issues.

RETURN TO REGULAR SESSION:

Motion by Cornelius, second by Haase, carried unanimously to reconvene in regular session at 11:55 p.m.

Motion was made by Pielstick, second by Gilbert to affirm the charges of misconduct filed by the Mayor. Upon roll call vote, all voted aye. Motion adopted.

ADJOURNMENT: Adjourned the meeting at 11:55 p.m.

Respectfully submitted,

RaNae Edwards
City Clerk