



City of Grand Island

Tuesday, December 20, 2011

Council Session

Item X3

**#2011-380 - Consideration of Approving Settlement Agreement
between Jessica Musil and The City of Grand Island**

Staff Contact: Robert Sivick

Council Agenda Memo

From: Robert J. Sivick, City Attorney

Meeting: December 20, 2011

Subject: Musil v. City of Grand Island

Item #'s: X-3

Presenter(s): Robert J. Sivick, City Attorney

Background

In November, 2009 Jessica Musil a former City employee, filed two actions against the City. The first (CI09-1138) was a Complaint seeking injunctive relief to bar the City from terminating her employment. The second (CI09-1221) was a Complaint seeking damages arising out of her allegation of wrongful termination.

Discussion

The City and Ms. Musil have reached a tentative settlement. The terms are as follows:

1. Ms. Musil agrees to dismiss her suits against the City with prejudice and hold it harmless from any claims arising out of her employment.
2. The City agrees to pay Ms. Musil \$12,000.00.
3. The parties acknowledge the City admits no wrongdoing by settling these matters.
4. The parties agree to keep confidential and not discuss publicly the allegations in these matters or the discussions leading to the settlement.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Move to approve
2. Move to reject

Recommendation

City Administration recommends that the Council approve Resolution No. 2011-380 to settle the matters of Musil v. The City of Grand Island.

Sample Motion

Move to approve Resolution No. 2011-380 settling the matters of Musil v. The City of Grand Island and authorize the Mayor to sign the Settlement Agreement on behalf of the City.

IN THE DISTRICT COURT OF HALL COUNTY, NEBRASKA

JESSICA MUSIL,)	CASE NO. CI09-1138
Plaintiff,)	CASE NO. CI09-1221
)	
vs.)	SETTLEMENT AGREEMENT
)	
THE CITY OF GRAND ISLAND,)	
Defendant.)	

COMES NOW the parties, Jessica Musil, Plaintiff and the City of Grand Island, Defendant and do hereby set forth the terms of a Settlement Agreement reached in the above entitled matters as follows:

I.

That the Plaintiff agrees to dismiss with prejudice the above entitled matters and forever hold the Defendant harmless from any claims arising out of her past employment with the City of Grand Island.

II.

That in exchange for the Plaintiff's actions as set forth in the first paragraph of this Settlement Agreement, the Defendant agrees to pay the Plaintiff Twelve Thousand Dollars (\$12,000.00) within thirty (30) days of the parties' execution of this Settlement Agreement.

III.

That the parties acknowledge this Settlement Agreement does not constitute an admission of wrongdoing by the City of Grand

Island with regard to any of the events or allegations contained in the pleadings in the above entitled matters.

IV.

That the parties agree to keep confidential and not publicly discuss the allegations or events reference in the pleadings in the above entitled matters or the discussions leading to this Settlement Agreement.

WHEREFORE, the parties respectfully pray the Court enter an Order in the above entitled matter in accordance with the terms of this Settlement Agreement.

THE CITY OF GRAND ISLAND,
Defendant

Date

By _____
Jay Vavricek, Mayor

ATTEST:

RaNae Edwards, City Clerk

Date

Jessica Musil, Plaintiff

APPROVED AS TO FORM AND CONTENT:

James H. Truell (14258)
Attorney for Plaintiff

PREPARED AND SUBMITTED BY:

Robert J. Sivick (18863)
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Attorney for Defendant

RESOLUTION 2011-380

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA,

That the City enter into a Settlement Agreement with Jessica Musil with regard to Musil v. The City of Grand Island (Hall County District Court – CI09-1138 and CI09-1221) with the following terms.

1. Ms. Musil agrees to dismiss her suits against the City with prejudice and hold it harmless from any claims arising out of her employment.
2. The City agrees to pay Ms. Musil \$12,000.00.
3. The parties acknowledge the City admits no wrongdoing by settling these matters.
4. The parties agree to keep confidential and not discuss publicly the allegations in these matters or the discussions leading to the settlement.

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Adopted by the City Council of the City of Grand Island, Nebraska, December 20, 2011.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form ☐ _____
December 19, 2011 ☐ City Attorney