

CITY OF LOGAN
SPECIAL CITY COUNCIL MEETING
108 W. 4TH STREET
June 25, 2014

At 7:00 P.M. Mayor Foutch called the meeting to order.

Agenda item 2 was roll call. Those present were Council Members Ettleman, DeWitt and Cohrs and Mayor Foutch.

Agenda item 3 was to approve the agenda. Motion was made by Ettleman and seconded by DeWitt to approve the agenda. 3 ayes.

Agenda item 4 was to discuss and approve settlement agreement with Angela Winther. Mayor Foutch stated that the City of Logan and our insurance company, EMC, along with our local insurance agent, Warner Insurance, have agreed to settle Winther vs. City of Logan, Stewart Johnson, Delores Clark and Nicholas Lefebber, case LACV019599, in the amount of \$400,000.00 plus reinstatement of Winther's job as City Clerk/Administrator with the City of Logan. This settles the case as to claims against all of the defendants as to the issues raised in the petition, which was wrongful termination, failure to reinstate and rehire and violation of First Amendment rights. Regarding settlement, the city is responsible for paying \$50,000.00 in back wages, which the insurance company will write the city a check for \$50,000.00, the city will then write a check to Winther withholding her personal tax obligations (Federal, State, Social Security and Medicare taxes), and the city will be responsible for paying the city's share of the FICA (Social Security and Medicare), which equates to 7.65% or \$3,825.00. Motion was made by DeWitt and seconded by Ettleman to approve the settlement agreement with Angela Winther. 3 ayes.

Agenda item 5 was to discuss and approve reinstatement of Angela Winther. Mayor Foutch stated that regarding settlement, the city agreed to reinstate Winther back in her role as City Clerk/Administrator at an hourly rate of \$20.04 (which includes two 3% raises, which she would have been eligible for if she were employed the last two years), 16 days of vacation, and 12 sick days annually, pro-rated for 2014, plus reinstatement of her sick leave that she had accrued through the time of termination, which amounts to 711.75 hours. Her start date will be Monday, July 7th. Motion was made by Cohrs and seconded by DeWitt to reinstate Angela Winther at a wage of \$20.04 per hour, with all of her vacation and sick time reinstated and a start date of July 7th. 3 ayes.

Agenda item 6 was to discuss and approve \$2,000.00 deductible payment to the insurance company. Mayor Foutch stated that regarding settlement, we need to authorize payment of our \$2,000.00 deductible to EMC Insurance Company. Motion was made by Ettleman and seconded by Cohrs to approve the \$2,000.00 deductible payment to EMC Insurance Company. 3 ayes.

At this time, Mayor Foutch made the following statement. "Obviously we are excited to settle this lawsuit and put all of this behind us. This has been a long two years for our community and our citizens. We thank you for your patience and understanding. We now have the opportunity to focus all of our passion and energy towards the future, and on initiatives that will continue to move our community forward, while maintaining our pride and presence we all appreciate and value. And last but not least, I wanted to recognize EMC Insurance, Warner Insurance Agency

and Greg Barntsen from Smith Peterson Law Firm, who was the City's attorney provided for by EMC Insurance. They all really stepped up to assist us in settling this lawsuit and for that we are thankful."

At this time, Angela Winther thanked the Mayor and Council for resolving this matter. She also thanked the citizens, City Employees and her family and friends for their continued support for the last two years.

Agenda item 7 was citizen's questions and comments. Jack Winther, Nedra Fliehe, and Nikki Allen all expressed their thanks to everyone for getting the city through this difficult time. John Espenmiller expressed his gratitude to everyone involved and stated that the citizens of this community stepped up during this time, and it was apparent to him that after EMC examined the records and evidence, the citizens were right.

Agenda item 8 was to adjourn. Motion was made by Ettleman and seconded by DeWitt to adjourn. 3 ayes.

Marilyn Keizer, Deputy Clerk
Attest: Mayor Mike Foutch