

42 July 22, 1996

The City Council of Buffalo, IA met in special session on Monday, July 22, 1996, at 6:00 p.m. at City Hall with Mayor Phil Hoover presiding. Present were Councilmembers Paula Anderson, Tom Harland, Jr., Dave Kinsinger, Kent Roe and Betty Walters.

Purpose of the special meeting was to hold a hearing with Rick Fielder to hear his responses to charges made by Council of allegations of misconduct and unacceptable job performance in a letter to Fielder dated July 12, 1996.

Motion by Kinsinger and Roe to have Robert Boeye, City union attorney, conduct the council portion of the hearing. All ayes. Carried.

Mr. Boeye questioned Fielder on the five allegations as listed in the letter and heard his responses to each. They included Farnums garage, Nichols garage, Grishams house remodeling, committee meeting on February 24, 1996, and Guizars permit.

After questions and answers back and forth, motion was made by Kinsinger and Roe to go into closed session per Iowa Code 21.5(c): To discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation. Voting yes to go into closed session per the above Iowa Code were Anderson, Harland, Kinsinger, Roe and Walters. Motion carried. Council went into closed session at 7:17 p.m.

The meeting resumed with all members present at 8:14 p.m. Kinsinger asked Fielder if a permit had been issued to Farnum to tear down his old garage and to pour a new slab? Fielder said yes, one had been issued for each. Kinsinger said there are none in the file.

Motion made by Kinsinger should they discipline him with a written reprimand, a three (3) day suspension or nothing? Seconded by Roe. After discussion, motion was withdrawn by Kinsinger and Roe.

Motion then made by Kinsinger and Anderson to discipline Mr. Fielder. Harland said to give him more training or give him more time. Voting to discipline were Anderson, Kinsinger, Roe and Walters. Voting no, Harland. Motion carried.

Motion then made by Anderson to issue a written reprimand to be put in Mr. Fielders personnel file on issues that were brought up this evening. Motion seconded by Walters. More discussion followed. Motion was then withdrawn by Walters. Motion then died for lack of a second on the motion.

Kinsinger then made the motion to give Mr. Fielder a three (3) day suspension per the union contract. Boeye said the union contract does not permit a three day suspension without first being given a verbal and written reprimand. After more explanation from Mr. Boeye, Kinsinger withdrew his motion for suspension.

Motion then made by Anderson to have a written reprimand placed in Fielders personnel file. Roe seconded this motion. After discussion, voting aye were Anderson, Roe, Kinsinger and Walters. Voting nay, Harland. Motion carried. Kinsinger also wants Boeye to draft the reprimand. Motion by Anderson and Walters to adjourn the meeting at 8:28 p.m. All ayes. Motion carried.

Attest: Carol A. Bernauer  
Carol A. Bernauer, City Clerk, Buffalo, IA

Signed: \_\_\_\_\_  
Phil C. Hoover, Mayor, Buffalo, IA