

Village of Wapella  
Executive Session  
June 21, 2011  
Village Hall

approved  
12-20-11  
[Signature]

Present were Trustees Vernon Meadows, Brad Karr, Jason Trimble, Tom Brame, Rusty Karr and Sharon Riddle. Also present was President Mark Miller, Clerk Elizabeth Weikle and Attorney Jeff Jurgens.

Jeff Jurgens started by informing the board that he had met with the Walnut Circle people and their attorney. It was our hope that maybe there were just a couple of them that were holding out on trying to settle but it became very evident in our meeting that all of them are on the same page and all of them are refusing to even entertain the idea of settling. Which is unfortunate, as we said at the meeting, you know we understand that you have got this idea of justice but there is really no such thing as justice, if you settle you control your own destiny. They're out to try and prove the principle of it. So we're still going through trying to figure out what the Village's options are there. We still have some time to get our response out there filed and figure out what we are going to do from there. I think we just continue to try to let this thing ride, for the moment. We will get the ZBA in place to here their appeal of the permit issuance but really nothing is going to happen probably on this case until September or October. So we're in a tight spot because if we kind of support the Walnut Circle people, the billboard company is going to come after us and if we support the billboard company, then the Walnut Circle people will come after us.

Rusty Karr asked which one is the bigger lawsuit.

Jeff Jurgens said the billboard company is going to come after you for money and damages. The Walnut Circle people are coming after you for basically to reverse what is done. So from that perspective you probably in the position you what to be in right now. The second thing, that is probably going to be more expensive to you is the appeal from Jane Buraglio of the court decision which lead to her not being on the ballot. They have appealed that decision to the appellate court. They filed their appellate brief last week. I had spoke to her attorney and said look this should all be moot now, why are you going forward with. They are for whatever reason spending their money to try to get the court to say they were right and the Village was wrong. And what that means is the Village has to file a response. It is expensive to file a brief in the appellate court but we have got to respond to what they are alleging and put up our arguments.

Rusty Karr asked if we could just right a letter saying she was right and we were wrong.

Jeff Jurgens said I can still talk to her attorney. They have to have spent so much money getting to this point, I think they are taking this all the way. So, it is an unfortunate situation but our brief is going to be due early July. So by the next time we have a board

meeting, we will have responded to the appellate court. We can still try to, well I can't try to talk to Jane directly because she is represented by counsel, I don't know if maybe other people can say hey what are you doing here. My impression is that she is not going to drop this fight. So, it might be the kind of thing where we just basically throw up an issue is mute now and obviously try not to spend a fortune on it and let the appellate court do what the appellate court is going to do. So that is going to be the next legal battle. I have talked to Mark many times, my goal for you guys is to be litigation free and not to be spending money on this kind of thing.

Rusty Karr said so you can't talk to her but we can.

Jeff Jurgens said yes.

Sharon Riddle said I wouldn't talk to her. She will just twist it around and I wouldn't. I don't think if you're being sued it's a good idea to talk to someone or let them do water bills either.

Rusty Karr said I was just asking a question.

Jeff Jurgens said that is where we are with the litigation. We have got the appeal of the unemployment claim which we think we are in a pretty good position on.

Sharon Riddle said you mean that one that I have been dealing with.

Jeff Jurgens said yes.

Sharon Riddle asked did we get appealed again?

Jeff Jurgens said yes.

Sharon Riddle said that doesn't surprise me.

President Miller said yea you figured that from the get go.

Sharon Riddle said she will always appeal it.

Jeff Jurgens said so that is a quick nutshell of where we are on all the litigation fronts.

President Miller said you had wanted to talk about hiring Frank.

Rusty Karr said I was just wanting him to be where he can be part time and operate something but I might be pulling that. I just don't know if I need to have that approved now. I'm not sure I don't think I'm going to use him again for other reasons brought to my attention. I don't think I will use him again. I was needing to bring in a forth employee. The one employee I hired changed his mind. Frank kind of wanted more money than the employees are getting so no.

Brad Karr asked who are we talking about.

Rusty Karr said Frank Karr came and ran the skid loader and did a good job but I was talking about hiring him on part time cause we need help patching and stuff like that cause he worked for townships for ten years. So he knows how to do all that stuff really well but I'm kind of up in the air about hiring him on.

Brad Karr said I want to ask you a hard question, I'm not being a smartass.

Vernon Meadows said we know what you getting at.

Brad Karr said well its got to be asked.

Rusty Karr said right.

Brad Karr said can Frank be in the park or the playground because of his past.

Rusty Karr said yes as long as they are aware of it. But that is why I'm saying no. I'm not wanting him to do work around those to places I'm wanting him to do work on the streets. Because of that reason that is why I am retracting my offer to hire him. The accusations that he got accused of, sentence of were all false accusations. He had no money to fight it, I know this because he is part of my family. It was all a falsified thing and he had no money to pay it. It was all false but he got sentenced because he had no money to fight it. That's why I retracted my offer because if people say we have him working but he is on this list then...

Jeff Jurgens said you're basically taking his name off the ...

Rusty Karr said yes I'm taking his name off the list.

Jeff Jurgens said in this executive session we can talk about specific employees you want for these positions or names. We can't talk about do you need another general employee type of thing. So if you have other names you want to throw around to the board we can certainly talk about them.

Rusty Karr said I have another guy that is out of the military that needs a job his brother gave me his number but I have never met the kid. All I know is that he is from the military on a break from the war. So that is the other option I have. Now more of the employees have picked up, they are working a lot better. I think Vernon and I are respected more as their boss. They are doing a lot more even the citizens are saying so.

Vernon Meadows said they are doing a good job.

Rusty Karr said the problem is I'm use to working construction and getting pushed all the time but I kind of do the same with them. Spud is coming at 6:00 in the morning and

taking care of equipment and keeping the shop clean in case OSHA comes and inspects us. I have to go inspect those holes tonight because probably in the morning they will be there.

Sharon Riddle said at least the doors are being used they weren't when he was on the board. I thought we couldn't talk but about employee discipline in closed session.

Jeff Jurgens said you can talk about performance or if you are going to hire someone, qualifications or...

President Miller said I know originally you wanted it on the agenda and I moved it to closed session because...

Rusty Karr said I thank you very much instead of bring it in front of the whole town. He works for me. It is a bad situation. I would have taken a loan out to fight that. The boys are doing a good job do we need a forth employee or not?

Jeff Jurgens said and that is what you can't talk about in closed session.

Rusty Karr said okay.

Sharon Riddle said she had an employee issue to talk about after we go out of closed session.

Jeff Jurgens said if it is about a specific employee you can talk about it in closed session.

Sharon Riddle said it is not about a specific employee it is about hiring an employee without board approval. That's out of closed session, right?

Jeff Jurgens said right.

Rusty Karr said it was brought to my attention that I couldn't hire an employee without board approval is that correct or something we can talk about?

Jeff Jurgens said I would have to look at your ordinance but that is something we would discuss in open session.

Brad Karr said that he interprets it as the department head can hire.

Jeff Jurgens said I would have to look at that again but that is all in open session.

President Miller said those were the items for the closed session.

Rusty Karr made the motion to return to open session. Vernon Meadows seconded.  
Ayes: Vernon Meadows, Brad Karr, Jason Trimble, Tom Brame, Rusty Karr, Sharon Riddle

Nays: None

Motion carried 6 to 0 with 0 absent.