

Village of Wapella
Executive Session Minutes
May 3, 2011
Village Hall

approved
11-15-11 @

Present was Trustees: Tom Brame, Rusty Karr, Sharon Riddle, Vernon Meadows and Brad Karr. Also Present were President Mark Miller, Clerk Elizabeth Weikle and Attorneys Jeff Jurgens and Nick Grojean.

President Miller started by saying he didn't have anything on item A (on the agenda) but we needed to make that part of the motion in case. The main things I wanted to advise you of is potential or pending litigation. Jeff Justice has informed us that there is currently three cases pending. Three pending legal matters as he defined it in his letter. I have copies for you to take (said to the lawyer). Jane Buraglio's appeal on the decision of Judge Freese removing her from the ballot as candidate for the clerk's office. That is still pending. Item number two is the former employee Heidi Carver appealed the denial of her unemployment compensation. He says during the appeal it was discovered that the initial hearing was not properly recorded. So a transcript could not be made and the whole process has to start over again. Sharon is our primary witness on that and will continue working with the attorney. Then the third item are more than a dozen requests for review pending in the Attorney General's office filed by Jane Buraglio, Ed Fleck, Elizabeth Fleck and Rose Harrold. In which they asked for the Attorney General to review the FOIA response of the Village to specific requests. Based upon the volume of the requests and the narrowness of some of the issues the current board does not have to respond to each one individually do to the enormous legal cost. These matter remain pending and at some point in the future the Attorney General may or may not do anything with these reviews nor require any further legal action. These are the three items Mr. Justice indicated. He will turn over to you (attorney).

Jeff Jurgens said he would contact him tomorrow and get these files and hopefully maybe at the next meeting in two weeks provide the board with a more thorough analysis and potentially have some recommendations on what's going on there. And then go on from there.

President Miller said there is some additional information the Randall's and the Walnut Circle Homeowners Association indicated that they have a possible appeal pending on the recent decision regarding the billboards.

Jurgens said is this action about the billboards actually involving the Village at this point in time.

Sharon Riddle said yea. We are like a hidden party or something. I am not quite sure.

Jurgens said okay. He would ask Mr. Justice about that case to then.

Riddle said we are not like an acting party but maybe ...

Jurgens said a third party.

President Miller said they are various parties involved including IDOT and the sign company.

Riddle said she didn't think we had been actively involved in any of the proceedings that she could remember. That is why she is not quite sure.

President Miller said he wanted to let the board know of current things that are going on.

Jurgens said we will evaluate these litigation issues and get back to you with our recommendations and our thoughts at the next board meeting.

Riddle said I have a question about the unemployment appeal. It is next week would it be possible for Mr. Justice to sit in as our attorney of record for this appeal. He was the one that represented us at the last appeal and is aware of what is going on there. I need to know if that is possible and if so do I need to make a motion when we come out or what is your feelings on that.

Jurgens said that is the boards call here. Obviously we haven't been involved in that. I don't know what is going on with that. We can either, when is that hearing scheduled?

Riddle said I think its the tenth.

Jurgens said you won't have another meeting before then?

President Miller said no.

Jurgens said if the board is okay with this. I could talk to him and since he has already started this case and prepared for it. It might make more sense to allow him to finish up quite frankly. As opposed to us getting up to speed and getting involved in it. I certainly don't have a problem with that.

Tom Brame said my only thoughts on that is depending on how it comes out on the tenth we may want you guys to get involved because I don't want Justice dragging this out for another six months and getting paid for it.

Riddle said he is not the one dragging it out she is the one who keeps appealing.

Brame said that is what I'm saying. Whatever or whoever is dragging it out, if its going to go on and on I just as soon our new lawyers handle it.

Jurgens said what we can do is I can maybe find out what is going on with this case. We can kind of give him the direction which seems like it is kind of the direction of the board

to have him do this hearing and at the next board meeting we can report on it and find out where things stand and what the possible actions we want to take in the future. If that is kind of the direction of the board.

Riddle said this has been going on since last July or August. She has appealed I don't know how many times.

Nick Grojean asked what is the nature of the hearing on the tenth.

Riddle said she was employee. I can get you a copy of it. She appealed because she didn't like the referees decision and when they went to review the decision for some reason it didn't record and didn't have a transcript. So we got to do it all over again. And she quit.

Jurgens asked what position did she have?

Riddle said she was a FOIA officer and she quit. We denied her unemployment because she quit.

Jurgens said let us take a look at it and it sounds like we'll have Mr. Justice proceed with hearing on the tenth but we will re-evaluate things after that.

Riddle said do I need to make a motion when we come out to that effect.

Jurgens said no. I think that is something that the mayor, with everyone consensus can do.

President Miller said I think we are all in agreement.

Riddle said just so we do that since it is next week. I need to figure out what it was all about since it has been so long ago. We had a good case with all the documentation, I don't know what happened with the guy recording it. It was done three way telephonic.

President Miller said that was all they needed to discuss.

Jurgens said we need a motion to go out of closed session.

Rusty Karr then asked if we could discuss employees being late and things like that.

Jurgens said you can discuss specific employees.

Rusty Karr wanted to know about setting hours for the employees between 8 and 5.

Jurgens said that would be employee policy and should be discussed in open session.

Tom Brame made a motion to come out of closed session. Rusty Karr seconded.
Ayes: Vernon Meadows, Brad Karr, Tom Brame, Rusty Karr, Sharon Riddle