



CITY COUNCIL EXECUTIVE SESSION
 Monday, July 23, 2012
 Lorraine H. Morton Civic Center
 Aldermanic Library

Present: Alderman Rainey Alderman Wilson
 Alderman Burrus Alderman Holmes
 Alderman Fiske Alderman Tendam
 Alderman Braithwaite Alderman Grover

Absent: Alderman Wynne

Others Present: City Attorney Grant Farrar, Assistant City Attorney Henry Ford, Assistant City Manager Marty Lyons, Joe McRae, Deputy City Manager, Bob Gustafson, Workers Compensation Manager, Steve Griffin, Director Community & Economic Development Department, Paul Zalmezak, Economic Development Planner

Presiding: Mayor Elizabeth B. Tisdahl

Mayor Tisdahl called the meeting to order at 9:40 p.m.

Worker's Compensation Resolution:

Marty Lyons called on Bob Gustafson, Worker's Compensation Manager: His report was with regard to the William Doby Workers Compensation claim. He is recommending that the City resolve that 15% loss of use of Mr. Doby's right hand be extended and that we begin negotiations to settle for up to \$20,591.43. Alderman Rainey moved to accept the recommendation. It was seconded. All in favor.

Real Estate:

With regard to 1801-05 Church Street, Steve Griffin and Paul Zalmezak wanted to update Council on the situation regarding the potential acquisition of this property. Mr. Griffin reminded Council that they had previously authorized the City Manager to purchase this property for not more than \$127,000. An environmental consultant (Environmental Consulting Group – ECG) was hired to determine the amount of contamination. At that time, the environmental clean-up was estimated to be around \$10,000. Since then we have discovered that the fees for cleanup would be much higher due to the extent of contamination, adding approximately another \$125,000. The legal department says it

absolutely needs to be done prior to purchasing the property. As it is the responsibility of the owner to pay for clean-up, it has been suggested that we leverage the owner to remediate property and threaten litigation. After Aldermen expressed their concerns about the contamination and asked a few questions, it was decided that the law department would look into options and report back to Council.

Collective Bargaining:

Mr. Farrar briefly updated Council regarding the Firefighters Union contract. They accepted our language and will ratify their agreement August 6 and August 8. The contract is concluded.

Mr. Lyons updated Council on the FOP and AFSCME negotiations. He reported that both AFSCME & FOP were given a firm settlement. He says there may be potential savings because there are currently 2 open positions. Instead of layoffs, we would not fill those positions and declare them closed. He also reported that AFSCME would like to combine furlough days and layoffs as one package. Should the City decide it is needed because of some economic downturn, we could then impact bargaining by asking how they want to bargain it - as a furlough day or layoff.

Mr. Lyons reported that the FOP negotiating team is brand new and bargaining is still ongoing.

Litigation:

Mr. Farrar noted that Council was given another bi-annual report on 2012 litigations and touched briefly on some highlights: the *LaSalvia* case was settled for attorney's fees at \$45,000; and there was an incident (*Henry Smith* case) at the library involving a young child that suffered some serious burns. Mr. Farrar sat down with the parents and their attorney and no lawsuit will be filed – they will settle for \$14,000.

Regarding the upcoming trial on the *Young* (police case), he said he would like to push it to 2013 but warned that the judge is extremely aggressive in terms of wanting us to get it done. Mr. Farrar says he intends to be very aggressive on cross examination and feels good about the 'defense posture and trial strategy' and that we have a good chance of getting a not guilty verdict. He did however, caution Council that if we do lose at trial, we could be looking at a possible \$1 million verdict. If that happens, we will appeal it.

He went on to say that the City won 3 jury trial cases, we won a motion for summary judgement in another case and won yet another case at the Appellate level. With regard to the Veolia case, they filed its first amended complaint. We moved to dismiss it but the judge will probably deny the motion to dismiss. We should know something in October.

Alderman Grover moved to accept the Minutes of the June 25, 2012 Executive Session. It was seconded. Voice vote was unanimous.

Being no further business, motion was made and seconded to adjourn at 10:30 p.m.

Respectfully submitted by

Elaine Autwell, Deputy City Clerk