

**Evanston City Council
Closed Session Minutes
Aldermanic Library
Monday, October 27, 2008**

PRESENT: Aldermen Wynne, Bernstein, Holmes, Moran, Tisdahl, Rainey, Wollin, Jean-Baptiste

ABSENT: Alderman Hansen

STAFF: Doug Gaynor, Elke Tober-Purze, Robert Gustafson and Rolanda Russell

PRESIDING: Mayor Lorraine H. Morton

Mayor Morton called the meeting to order at 9:59 p.m. She asked the Interim City Manager if she had anything to present.

Interim City Manager Russell stated with Worker's Comp. and she directed Mr. Gustafson to proceed.

Mr. Gustafson had 3 settlements to present. The first was Evan Gregory a Police officer who has been working with the City since 1998 and still employed. In April of 2007 he suffered a torn rotator cuff while on his lunch break he was lifting weights. At first the case was denied but later discovered it was an injury that we had to be responsible for, because he was on the property even though he was off the clock while on a no pay lunch. He want \$43,000 and we will go up to \$48,000. Alderman Wynne motioned and Alderman Rainey second. There was no dissention on the motion.

Next Richard Heath a part-time program assistant who began work here in 2004. On October 6th 2007 he fell during ice-skating demonstration. It was moved and seconded.

Then Emma Jacobs for initial amount, and they were not successful in reaching an agreement between our Attorney and theirs. His Attorney then request a preach trial before the Arbitrator, the arbitrator decided it would be 35 to 40% of a person's body and so requested the amount of \$53,317.42 Alderman Bernstein moved for approval. Mayor Morton asked were there any objections. No objections to that one so moving right along.

Alderman Wollin wanted an update on the Township litigation suites are, where are we at this point?

Counsel Elke Purze said the Eckersall matter will be tried in January, and the Benjamine matter Diane Benjamine was just served today.

Alderman Rainey wanted to know what were the conditions of the suit?

Ms. Purze stated wrongful termination, deformation and similar counts. Alderman Moran questioned whether she had sued before.

Ms. Purze said no she talked about it, and when the matter got reversed out of the Appellate court she thought about it and changed her approach.

Alderman Wollin wanted to know about the letter from Jack Siegel.

Ms. Purze said we were successful in a motion to dismiss, that came down at 3 or 3:30 today. She also pre-trialed Sharp with Judge Dennis Burke, we didn't spend all of our authority. The Clifford Law firm are nickel and dime us. Burke wanted us to check back with him. He didn't think the case was worth \$175, 000, but he believed that the case would settle for \$175. She was not asking for any more from the Council who gave her the authority for \$100,000, she used \$50,000.

Ms. Russell said the real estate issue has been postponed and they will bring it back on the December 8th.

Alderman Rainey asked the question what is it?

Ms. Russell responded it is the property we own the Water/Sewer Plant and she also said they did not have enough information to discuss the issue. The individual met with staff and that is the proposal you have before you. Apparently a couple of cities around the country have been successful in selling air rights that brings monies in. They want to do more research and then bring it back at a latter date.

Alderman Rainey asked why do we want to sell air rights, and where did this man come from?

Ms. Russell stated that he contacted Mr. Lyons and wanted to share some ideas.

Alderman Moran stated he was pretty intrigued by the proposal. He believe that we need to leverage this better than we have from his perspective how we could get ahead to promote this asset.

Ms. Russell commented that Mr. Keath will be here on the 8th and will go through this packet and explain various oppositions, and then we will go to litigation and talk about it, and whether we will go through with it or not and someone will talk to us in detail.

Alderman Bernstein said 10 years ago he asked if we could bottle Lake Michigan water, and was told we couldn't commercialize and he wonders what the situation is now.

Alderman Wynne wanted to know, what are the Homeland security issues related to the water plant?

Alderman Bernstein asked about Mr. Sayers interest.

Mr. Gaynor said he has looked at some other places, but he is not interested in coming to Evanston anymore.

Alderman Tisdahl said she is interested in selling, but only if the there was a longer commitment for the theater and the circus.

Alderman Jean-Baptiste was not interested in selling, and that it doesn't add up in his mind.

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Alderman Moran was concerned about the concept of selling the Noyes Center, which has become the home of the arts in Evanston. He is anxious to have the proposed center here in Evanston, but if they could find a new home for the arts, which may also be feasible. He was worried that the Arts Center would become an orphan if he (Gale Sayers) goes into the Cultural Center. He suggested that the Council give Mr. Sayers encouragement and support, but that he should find another site.

Mayor Morton asked the question if anyone was in favor of selling the Noyes Center.

The Aldermen gave a negative response to the question.

Mayor Morton said, seeing that we are not interested in selling the Noyes Center and following what you said (Alderman Moran) we'll do all we can to assist in finding another site for Mr. Sayers' center.

Alderman Hansen wanted to make sure Mr. Sayers understands why they don't want to sell the Arts Center, because of their commitment to the home-base of the Arts in Evanston. She also stated that we want to see him here but not at the expense of the Arts Center.

Ms. Russell said that they would make that clear and do all they can to help him with an alternative site and communicate that to Council.

Alderman Jean-Baptiste asked if there has been any history or notion any discussion about an alternative site thus far.

Mr. Gaynor there were two sites: Elks Park and Chandler Center. Chandler was not big enough and they were not interested in Elks Park. One primary concern was they wanted it near an El station to get the workers from out of Evanston. Mr. Dorneker had pointed out the El station near Elks Park, but they were not interested at all in the Elks Park site. They will report about the progress from time to time.

Mayor Morton thanked everyone and, seeing that they had completed their agenda, she declared the meeting adjourned at 11:11 p.m.

Mayor asked if there are no other items she declared the meeting adjourned at 10:23 pm.

Respectfully submitted,
Rodney Greene,
City Clerk