

Alison White

From: Alison White
Sent: Tuesday, July 17, 2018 2:32 PM
To: Angie Huonker
Cc: Alison White
Subject: FW: FOIA Request



From: Bloomington Normal News <blnnews@yahoo.com>
Sent: Tuesday, July 17, 2018 2:13 PM
To: Alison White <awhite@normal.org>
Subject: FOIA Request

I am requesting the following information under the Freedom of Information act:

Copies of the Executive Session minutes approved for release at the 7/16/2018 Council meeting

This request is a non-commercial request. I am requesting electronic copies. I am requesting fees be waived as outlined in the FOI Act as this is a request for public information that is to be shared publicly.

If a waiver of fees is not given then I do request an estimate of the cost be provided prior to filling the FOIA request

Diane Benjamin
BlnNews.com

EXECUTIVE SESSION

EXECUTIVE SESSION OF THE NORMAL TOWN COUNCIL

June 19, 2017

The Executive Session was held in Uptown Station, Executive Board Room, 11 Uptown Circle, Normal, McLean County, Illinois on June 19, 2017.

I. CALL TO ORDER

The Executive Session was called to order at 8:55 pm.

II. ROLL CALL

The following members were present: Mayor Koos, Council Members Fritzen, McCarthy, Preston, Lorenz, McBride, and Cummings. Also present were: Mark Peterson, City Manager, Pam Reece, Deputy City Manager, Brian Day, Corporation Counsel, Jessica Woods, Deputy Corporation Counsel, and Kathleen Elliot, Partner in the law firm of Robbins Schwartz.

III. MINUTES

There were no minutes submitted for review.

IV. MATTERS PERTAINING TO PROBABLE LITIGATION

A. Probable Metrozone Litigation

1. Findings of Basis for Probable Litigation:

- The Town and the City of Bloomington entered into the Metrozone Agreement in 1986. That agreement stated that the term was indefinite and continued until the agreement of the parties to terminate.
- Approximately 10 years later, the Illinois Supreme Court held that contracts with an indefinite term are voidable by either party at will.
- During the term of the Metrozone Agreement, the Town contributed 50% of the revenue for the tax rebate to induce Walmart to locate within the Metrozone in 2002 with the understanding that the Town would receive 50% of the revenue generated by the Walmart.
- Bloomington has informed the Town of its decision to unilaterally terminate the agreement and keep all of the revenues generated.
- The Town has hired the firm of Robbins Schwartz to investigate potential legal action against the City of Bloomington.
- Robbins Schwartz has identified a viable cause of action against the City of Bloomington and estimates a better than average chance of recovery against the City.
- Town staff is continuing to work with Robbins Schwartz in the preparation of filing the case.

2. Corporation Counsel, Brian Day and Kathleen Elliot from Robbins Schwartz gave the Council an overview of the equitable estoppel cause of action that Robbins Schwartz has identified as a cause of action against the City of Bloomington due to the City's unilateral termination of the Metrozone Agreement. The discussion included next steps in the process, statute of limitations and other timeframes for filing, chances of success, potential recovery, potential settlement strategies once litigation is underway, and possible litigation costs. Kathleen Elliot left the meeting upon the conclusion of the Metrozone litigation.

B. Probable Fire Engine Litigation

1. Findings of Basis for Probable Litigation:

- Over the past 20 years, the Town purchased various pieces of fire equipment from Pierce Manufacturing. This was done through the Northwest Municipal Conference Joint Purchasing Program.
- That equipment came with a 50-year warranty on the frame.
- Numerous pieces of equipment have significant corrosion issues with the frames.
- This is a common problem with many of Pierce's customers, including Peoria, Champaign, Decatur, Bloomington, Charleston, and other communities.
- Pierce has been denying all claims under warranty to correct the corrosion.
- Communities in central Illinois are in the process of forming a coalition to bring legal action against Pierce. The law firm of Ancel Glink will represent the coalition. Normal has been approached to join the coalition.
- If, as expected, Pierce denies the warranty claims, then the Town anticipates taking some legal action to require the repairs or recover costs.

2. Deputy Corporation Counsel, Jessica Woods gave the Council an overview of the litigation and the potential outcomes. The potential litigation includes joining the coalition, a model that has been successful for the Town in the past, or filing a suit separately.

C. Probable FMLA Litigation.

1. Findings of Basis for Probable Litigation:

- FMLA (Family Medical Leave Act) is a federal law that requires employers to grant time off for certain medical conditions of the employee or their family.
- To receive FMLA Leave, the Town requires certification from the health care provider of the serious medical condition.
- The Town has a consistently-applied policy requiring a return to work certification when returning from FMLA Leave.

- A Town employee submitted an FMLA certification for an in-patient treatment center for (what ultimately turned out to be an addiction problem).
 - The employee left the treatment center early, but did not return to work.
 - When the employee sought to return to work, he submitted a return to work certificate from a doctor for an entirely different medical condition than what he took the leave for.
 - Ultimately, the employment was terminated because the employee could not produce a return to work cert with respect to the addiction treatment.
 - The Town has received a letter from a local attorney threatening a lawsuit for an alleged FMLA violation.
2. Mr. Day gave an overview of the potential lawsuit that may be filed as well as defenses that the Town could raise. The suit would likely be covered under the MICA insurance policy and defended by attorneys in the MICA defense pool.

V. MATTERS PERTAINING TO PENDING LITIGATION

- A. Beaman v. Town – Mr. Day outlined the status of this case, which is a malicious prosecution claim filed in State court. The Town won a summary judgment at the trial court level, and the matter is on appeal in the 4th District Appellate Court. All of the briefs have been filed, and oral Arguments were on April 19, 2017. We expect a decision any time. The case is being handled by the firm of Ancel Glink through MICA coverage.
- B. Selective Insurance v. United National Insurance and the Town – This is an insurance dispute between insurance companies as to which company is required to provide coverage for the Beaman defense. Mr. Day presented the Council with a status of the case. A partial summary judgment hearing by Selective was heard on May 27, 2017. The judge took the matter under advisement. The Town is working with outside counsel on this matter.
- C. Flynn v. Town – Mr. Day updated the Council on the status of this case, which is a suit against the Town by an accident victim over the design of the Camelback bridge. The Town won a summary judgement in the trial court, and the matter is on appeal in the 4th District Appellate Court. The Plaintiff has taken multiple extensions on the time required to file his brief, which is now due on July 5, 2017; the Town's brief will be due 30 days later unless extensions are taken. The case is being handled by the firm of Ancel Glink through MICA coverage.
- D. Frisbie v. Town – Mr. Day briefed the Council on this case, which is a trip and fall case in which a pedestrian tripped in a hole in a parkway as she was going to jaywalk across College Avenue. It was determined that the hole was likely caused by an Ameren utility pole that was removed. The case was tendered to Ameren under the indemnification provision of the

Town's franchise agreement. Ameren has assumed the defense of this case. The case is currently in the discovery phase.

- E. Collier v. Town – Ms. Woods briefed the Council on this case, which is a federal civil rights case in which the Plaintiff alleges that unknown police officers broke into her bedroom and conducted an illegal search. The case is being handled by the firm of Ancel Glink through MICA coverage. The Police Department and the Legal Department have reviewed records and done an initial investigation into the facts and can find nothing that substantiates the Plaintiff's claims. The case is being handled by the firm of Ancel Glink through MICA coverage. The Town filed a motion to dismiss because the complaint was inadequate. The Plaintiff refiled the complaint. The Town is evaluating the next steps.

VI. ADJOURNMENT

A motion to adjourn the meeting was made by Council Member McBride at 9:45 pm. The motion was seconded by Council Member McCarthy. All Members voted aye. The meeting was then adjourned.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Mark R. Peterson', written over a horizontal line.

Mark R. Peterson, City Manager

EXECUTIVE SESSION

EXECUTIVE SESSION OF THE NORMAL TOWN COUNCIL

July 5, 2017

The Executive Session was held in Uptown Station, Executive Board Room, 11 Uptown Circle, Normal, McLean County, Illinois on July 5, 2017.

I. CALL TO ORDER

The Executive Session was called to order at 8:10 pm.

II. ROLL CALL

The following members were present: Mayor Koos, Council Members Fritzen, McCarthy, Preston, Lorenz, McBride, and Cummings. Also present was Mark Peterson, City Manager.

III. CITY MANAGER'S ANNUAL PERFORMANCE EVALUATION

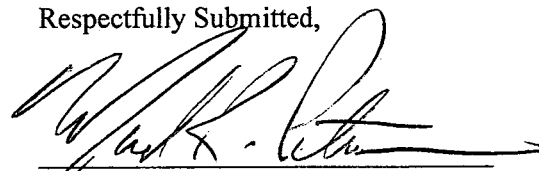
- A. The Council reviewed a report prepared by the City Manager providing a progress update on all of the Council's Strategic Plan initiatives. Mr. Peterson verbally highlighted a few of the specific Council initiatives of importance. Also, members of the Council asked a number of questions of Mr. Peterson regarding the status of some of the projects outlined in the report as well as some other on-going projects associated with various Town initiatives.

Following that conversation, all Council members indicated that they felt the City Manager's performance was satisfactory and then excused the City Manager to discuss a possible compensation adjustment. Once the City Manager was excused, Mayor Koos suggested that it would be appropriate to consider a one-time performance bonus of \$5,000 for Mr. Peterson that would not be part of his base wage package and would not require any formal amendment to Mr. Peterson's existing employment agreement. Members of the Council discussed the proposed performance bonus and gave their informal authorization for Mayor Koos to propose this performance bonus to the City Manager. Mayor Koos indicated that he would meet with Mr. Peterson immediately following the meeting to discuss the proposal.

VI. ADJOURNMENT

A motion was made by Council Member McCarthy and seconded by Council Member Fritzen to adjourn at 9:25 pm. All Members voted aye. The meeting was then adjourned.

Respectfully Submitted,



Mark R. Peterson, City Manager

EXECUTIVE SESSION

EXECUTIVE SESSION OF THE NORMAL TOWN COUNCIL

July 17, 2017

The Executive Session was held in Uptown Station, Executive Board Room, 11 Uptown Circle, Normal, McLean County, Illinois on July 17, 2017.

I. CALL TO ORDER

The Executive Session was called to order at 8:30 pm.

II. ROLL CALL

The following members were present: Mayor Koos, Council Members Fritzen, McCarthy, Preston, Lorenz, McBride, and Cummings. Also present was Mark Peterson, City Manager.

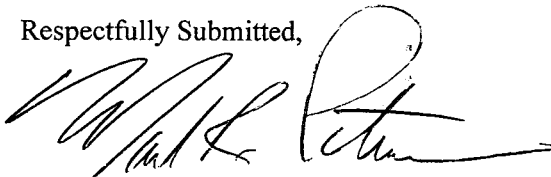
III. MATTERS PERTAINING TO PERSONNEL

A. The City Manager informed the Council of his plans to retire on December 31, 2017. He also discussed potential alternatives for filling his position. He did indicate that he believed that there was an internal candidate in Deputy City Manager Pamela Reece. He indicated to the Council that he felt that Mrs. Reece was a very strong candidate and that her appointment as City Manager would make for a very smooth and seamless transition in the leadership of the organization. He also shared with the Council other alternatives that they could follow in terms of process for filling the position. After some discussion, Council asked Mr. Peterson if he would be willing to stay through the end of the fiscal year so as to complete the upcoming budget process. He agreed that that would be acceptable. There was continued discussion about the potential internal candidate as well as other options for filling the position. After much discussion, the Council asked Mr. Peterson to arrange 2 on 1 meetings with Ms. Reece so that the Council members could discuss her potential interest in the position and get to better understand how she would approach the position if given the opportunity to serve.

VI. ADJOURNMENT

A motion was made by Council Member McBride and seconded by Council Member McCarthy to adjourn at 8:55 pm. All Members voted aye.

Respectfully Submitted,



Mark R. Peterson, City Manager

EXECUTIVE SESSION

EXECUTIVE SESSION OF THE NORMAL TOWN COUNCIL

August 11, 2017

The Executive Session was held in Uptown Station, Executive Board Room, 11 Uptown Circle, Normal, McLean County, Illinois on August 11, 2017.

I. CALL TO ORDER

The Executive Session was called to order at 9:40 a.m.

II. ROLL CALL

The following members were present: Mayor Koos, Council Members Fritzen, McCarthy, Lorenz, McBride. Also present was consultant Lyle Sumek.

Council Members Preston and Cummings were absent at the time of roll call.

Council Member Preston arrived at 9:45 a.m. and Council Member Cummings arrived at 10:20 a.m.

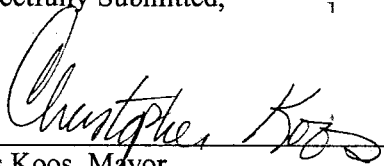
III. MATTERS PERTAINING TO PERSONNEL

A. City Manager Recruitment/Selection Process – The group spent the entire meeting, which was facilitated by Mr. Lyle Sumek, discussing the recruitment/selection process for the City Manager which is necessitated by the planned retirement of Mr. Peterson in March of 2018. The Council not only discussed skills and attributes that it would like to see in the new City Manager but also discussed details regarding the recruitment process and time table. At the conclusion of the discussion, it was left to Mr. Sumek to formalize some of the notes from the meeting and to provide the Council with a narrative of the process, a time line, and position profile.

VI. ADJOURNMENT

A motion was made by Council Member McCarthy and seconded by Council Member Preston to adjourn at 1:45 pm. All Members voted aye. The meeting was then adjourned.

Respectfully Submitted,


Chris Koos, Mayor

EXECUTIVE SESSION

EXECUTIVE SESSION OF THE NORMAL TOWN COUNCIL

August 21, 2017

The Executive Session was held in Uptown Station, Executive Board Room, 11 Uptown Circle, Normal, McLean County, Illinois on August 21, 2017.

I. CALL TO ORDER

The Executive Session was called to order at 8:35 p.m.

II. ROLL CALL

The following members were present: Mayor Koos, Council Members Fritzen, McCarthy, Preston, Lorenz, McBride and Cummings. Also present was City Manager Mark Peterson

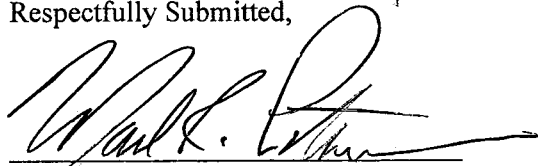
III. MATTERS PERTAINING TO PERSONNEL

A. City Manager Recruitment Search Process – Members of the Council continued their discussion from the Executive Session that was held on August 11, 2017 regarding the process to recruit and select a replacement City Manager given the current City Manager's pending retirement. The Council reviewed a document prepared by consultant Lyle Sumek laying out a process timeline and some other relevant information regarding the search. Mr. Sumek prepared that report after the meeting on August 11th. After considerable discussion, the Council by consensus, opted to pursue a national search process and to retain the assistance of a search firm to assist them with that process. The Council asked Mr. Peterson to reach out to an Illinois based firm called GovHR to solicit a proposal to assist the Town with a search process.

VI. ADJOURNMENT

A motion was made by Council Member Fritzen and seconded by Council Member McCarthy to adjourn at 9:55 p.m. All Members voted aye.

Respectfully Submitted,



Mark R. Peterson
City Manager

EXECUTIVE SESSION

EXECUTIVE SESSION OF THE NORMAL TOWN COUNCIL

October 2, 2017

The Executive Session was held in Uptown Station, Executive Board Room, 11 Uptown Circle, Normal, McLean County, Illinois on October 2, 2017.

I. CALL TO ORDER

The Executive Session was called to order at 7:15 p.m.

II. ROLL CALL

The following members were present: Mayor Koos, Council Members, McCarthy, Preston, Lorenz, McBride and Cummings. Council Member Fritzen was absent. Heidi Voorhees of GovHR USA was also in attendance.

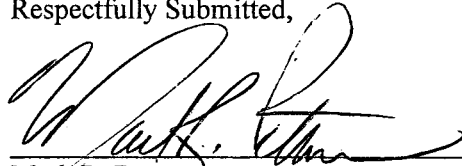
III. MATTERS PERTAINING TO PERSONNEL

A. City Manager Recruitment and Selection – Ms. Voorhees presented to the Council a time line and other recommendations associated with the recruitment and selection process for a new City Manager. She discussed with the Council a number of process considerations as well as some potential candidates, including some possible internal candidates, for the position. Council provided feedback to Ms. Voorhees on what characteristics and personalities they would like to see in a new City Manager. They also discussed specific individuals both within and outside of the organization that might have some interest in the position and might be considered good candidates. Ms. Voorhees indicated that she will put together a recruitment brochure along with a recruitment profile and share that information with the Council before it is disseminated to the general public.

VI. ADJOURNMENT

A motion was made by Council Member McCarthy and seconded by Council Member Preston to adjourn at 8:30 p.m. All Members voted aye.

Respectfully Submitted,



Mark R. Peterson
City Manager

EXECUTIVE SESSION

EXECUTIVE SESSION OF THE NORMAL TOWN COUNCIL

January 2, 2018

The Executive Session was held in Uptown Station, Executive Board Room, 11 Uptown Circle, Normal, McLean County, Illinois on January 2, 2018.

I. CALL TO ORDER

The Executive Session was called to order at 7:25 p.m.

II. ROLL CALL

The following members were present: Mayor Koos, Council Members Fritzen, McCarthy, Preston, Lorenz, McBride and Cummings. Heidi Voorhees of GovHR USA was also in attendance.

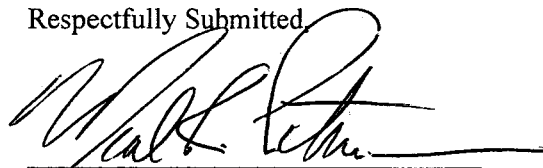
III. MATTERS PERTAINING TO PERSONNEL

- A. City Manager Recruitment and Selection – Ms. Voorhees presented to the Council a number of candidates that have applied for the soon to be vacant City Manager position. The Council discussed the candidates and at the conclusion of that discussion, opted to proceed with the interview of one internal candidate. They decided that the interview should take place immediately prior to the next regular Council meeting on January 16, 2018. They asked Ms. Voorhees to notify the candidate and to prepare some draft interview questions for the Council's consideration.

VI. ADJOURNMENT

A motion was made by Council Member McCarthy and seconded by Council Member Preston to adjourn at 7:47 p.m. All Members voted aye.

Respectfully Submitted,



Mark R. Peterson
City Manager