

**MINUTES
REGULAR MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
May 26, 2009**

The City Council of DeKalb, Illinois, held a closed session on May 26, 2009 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular meeting of the same day.

The closed session started at 8:45 p.m. Council members in attendance were: Mayor Kris Povlsen, Alderman Bertrand Simpson, Alderman Tom Teresinski, Alderman Brendon Gallagher, Alderman Ronald Naylor and Alderman David Baker. Absent: Alderman Victor Wogen and Alderman Brent Keller.

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, Assistant City Manager; Norma Guess, City Attorney and Steve Kapitan, City Clerk.

PENDING LITIGATION 5 ILSC 120/2(c)(11) *(Released: July 9, 2018)*

Mr. Biernacki referenced an e-mail sent by Ivan Krpan to members of the City Council threatening to sue the City for cutting down trees on his property without his permission. Mr. Biernacki explained the circumstances surrounding a claim by Mr. Krpan, the developer of Hidden Grove subdivision south of Rich Road, that the City trespassed on his land and cut down trees which impaired his ability to sell undeveloped lots nearby. Mr. Biernacki explained that it appears that the City did trespass on his land. He stated that the City had attempted to work with Mr. Krpan in order to improve safety in the neighborhood by installing a gravel path ahead of the time that he would be obligated to install a sidewalk. Responding to residents concerned about the safety of children walking to Brooks Elementary, the City cut down some scrub trees and installed the gravel path at the City's expense. Mr. Biernacki disputed the notion that the loss of the trees would have any detrimental effect on sales of lots there.

Ms. Guess explained that Mr. Krpan would have to prove a direct impact of the loss of trees on sales in order to be compensated for such losses. She went on to say that while he may be awarded compensation for the trespass but that it would likely be offset by the City having paid for installation of the gravel path.

Alderman Gallagher asked if City Engineer Joel Maurer has records of communications with Mr. Krpan about this. Ms. Guess stated that she expects that he would have such records.

Mayor Povlsen briefly opened the meeting to the public at 8:55 p.m. for the purpose of extending the adjournment time.

Alderman Naylor asked about the path's location in relation to the final plat. Mr. Biernacki explained

that it varied slightly in order to go around telephone poles. Council discussed options and came to a consensus that the City wait to see if he files the suit.

RISK MANAGEMENT 5 ILCS 120/2(c)(12) *(Released: July 9, 2018)*

Mr. Espiritu explained the fundamental differences between the MICA Pool and the IRMA Pool. Both, he asserted, are risk pools that cover general liability and workers compensation. He explained that while both have a premium of about \$1 million IRMA also would require the City to build up an individual reserve fund. This would amount to \$173,000 per year until 50% of premium is reached. Both would grant rebates and lower premiums if, over time, the City reduced the number of claims, he said.

Alderman Naylor asserted that the reason the City's self insurance has not worked is that within a couple of years in which it was established the City stopped building up the reserve fund that is an important part of self insurance. Alderman Gallagher asked Mr. Espiritu of his experience in Rolling Meadows on risk pools. Mr. Espiritu responded by stating that the bigger cities in the pool end up subsidizing the smaller cities. In this case DeKalb would be the bigger city, which is a risk, he said. After further discussion Mr. Espiritu stated that he would get a firm quote from IRMA to bring back to the Council.

COLLECTIVE BARGAINING 5 120/2(c)(2)

[REDACTED]

[REDACTED]

[REDACTED]

ADJOURNMENT:

Ald. Simpson moved to adjourn the closed session; seconded by Ald. Naylor. Motion carried by voice vote. The closed session adjourned at 9:55 p.m.

STEVEN C KAPITAN, City Clerk

Approved: October 25, 2010
Partial Release: July 9, 2018