7:30 p.m. The regular meeting of the Village Board of Trustees was called to order by Mayor Kearns who led the Pledge of Allegiance. A roll call was answered aye by Hampton, Geppert, Weber, Hall and Kreher. Klein was absent. Sandy Stolte, Officer Hamon, Lieutenant Buehler, Tyler Liefer and Attorney Carla Ehlers were also present.

A correction needs to be made to the last sentence in the second paragraph. Change posted to posted.

Trustee Kreher made a motion; seconded by Trustee Hampton to approve the minutes with the above correction. A vote was answered aye by Kreher, Geppert, Hall, Weber and Hampton.

VISITORS
Dallas Hill, John Pawloski and Tim Pruett

John Pawloski was present representing Dallas Hill. Mr. Pawloski stated the city does not have authority to lay him off without pay. If there is disciplinary action to lay him off without pay, he is entitled prior to that time, he is entitled to due process, notice of the what the charges of discipline is and an opportunity to be heard, none of which have been provided to him. Mr. Pawloski’s position is the Village putting Hill off work without pay is without legal authority to do so and it needs to be remedied to include back pay for the time that was missed.

LOCAL IMPROVEMENTS
Casey’s turned in their building permit with plans to be complete by May 1, 2013.

WATER & SEWER
Tim Pruett of Rhutasel noted a slab was poured for the SPR unit at the sewer plant. We received the second pay request from Plocher for $543,986.00. Pruett recommends the board approves the pay request and to authorize Rhutasel to forward the pay request and engineering expenses to the IEPA for payment from the loan.

Trustee Kreher made a motion; seconded by Trustee Weber to approve the second pay request and authorize Rhutasel to forward pay request and engineering fees to IEPA for payment. A vote was answered aye by Kreher, Geppert, Hall, Weber and Hampton.

Tim discussed the colors of the brick for the sewer treatment plant. The board consensus is to go with the recommendations of the superintendent of public works and pick a natural color.

STREETS & ALLEYS
Nothing new to report

CEMETERY
Michelle noted per the Illinois Cemetery Oversight Act the Village needs to file for cemetery authority partial exempt status at a cost of $150.00 prior to the end of the year. All burials will need to be recorded in the database within 10 days of burial. Burials from December 2010 to July 2012 will cost $2.00 per burial to record in the database. Burials will not cost to record in the database after July 2012.

Trustee Hampton made a motion; seconded by Trustee Kreher to authorize Mayor Kearns to sign the application for partial exempt statute and to pay the $150.00 fee. A vote was answered aye by Kreher, Geppert, Hall, Weber and Hampton.

PARK
Trustee Hampton talked with Rick Range and will schedule a committee meeting in January.

PUBLIC SAFETY
Trustee Geppert noted a schedule needs to be in place to check the siren in February and August. It has been taking more than one time to set the siren to go off.

POLICE
Lieutenant Buehler stated the Chrysler 300 needs front end repair. Wetzel’s bid was for $846.36 which includes upper control arms, alignment and outer tie rod ends. Dennis Auto Sales bid was for $715.85 which did not include the outer tie rod ends. Lieutenant Buehler to get another bid from Dennis Auto Sales to include the outer tie rods.

Lieutenant Buehler met with the superintendent and principles of all schools in town to review the active shooter
plans. Lieutenant will teach self defense to the girls for ages 6 through 12 at the school. The title came in for the
Chrysler 300. Dean Anderson would like to buy the K-9 cage for $250.00. Trustee Kreher said all it is doing now
is taking up space and there is no future use for it with the Village. Mayor Kearns said that was the cage that was in
the Dodge and we should keep it for a while for that kind of money.

Lieutenant Buelher talked to Frank regarding the ordinance on tow fees. The ordinance needs to be updated to
comply with the law that passed January 1st. The current fees are $300, $500 and $650. Buelher noted that the
fees are pretty high and some people cannot afford to pay for it. If the tow fee is contested Attorney Ehlers would
have to hold a hearing. Trustee Kreher thought the tow fees should stay the same, why should the prices be
lowered for criminals. The fees cannot be lowered on a case by case basis like they could in the past. The board
consensus is to make the fees $200, $350 and $500. Bueher to contact Frank Heiligenstein to type up the
ordinance for board approval at next meeting.

PERSONNEL
Trustee Kreher requested to go into executive session with the Attorney Ehlers present under Mayor’s time.

Mayor Kearns stated over the last few weeks concerning Dallas Hill and allegations placed against him and the
Mayors decision to place him on unpaid leave. Mayor Kearns has been researching and actually thinks he can’t be
on unpaid leave based on the statute from the training board and talking with Attorney Ehlers. The town has certain
liabilities, one being due process of the law, which is in the constitution. Mayor Kearns thinks for the best interest
of the Village right now, while there is no litigation against the Village for any wrong doing, it would be in our best
interest to reinstate Hill’s pay. Since he was already un-appointed as Chief, by statutes he reverts back to the rank
he held prior to being Chief, which was Lieutenant. Mayor Kearns thinks the pay should be at Lieutenant rate and
not at Chief rate since he made the decision to un-appoint Hill as Chief. Mayor Kearns stated under his power as
Mayor to recommend actions; he recommends someone make a motion and bring to a vote to reinstate Hill’s pay
until the case is heard in the courts and the decision is made as to whether he is guilty or not guilty. Trustee Kreher
asked Attorney Ehlers if that was her feelings and if it would be in the best interest of the Village. Attorney Ehlers
stated yes, she believed it would be from a liability stand point. Trustee Hall noted he specifically asked when the
special meeting was held to place Hill on unpaid leave; if the attorney was asked and if it was legal. Hall said at
that point the board was told yes. Mayor Kearns said there has been other research that has surfaced since then.
Attorney Ehlers stated there have been circumstances that have changed and the Freeburg situation really put a
different light on this situation. Attorney Ehlers said Freeburg removed a couple of people because of charges
against them without pay and the States Attorney Office dismissed the cases against them, they will most likely be
subject to some liability because there was no conviction and there was no reason those men should have lost their
jobs if they were not found guilty. Attorney Ehlers said we don’t know what the outcome is going to be with the
States Attorney; do they have sufficient evidence to take Hill to trial and be successful. Attorney Ehlers spoke with
Van Lehr who is Hill’s attorney who said the case is not moving very fast right now because he sought some
discovery that he has not received, it is set in January and is not likely going to go then unless they provide them
with their reports of what they have against him. Attorney Ehlers stated at this point the States Attorney is not
coming off strong in this case; what are they going to do with this case, it may be the same thing as with Freeburg.
If that is the case Hill has done nothing so he should be reinstated with pay. Sandy Stolte asked if Hill would be
found guilty would we get the pay back. Attorney Ehlers said no. Trustee Hall noted this is not on the agenda
tonight so it can’t be voted on. Trustee Hall is going to discuss with his personal attorney before he votes on this.
Mayor Kearns recommended we make a decision on this tonight to keep the Village out of any litigation. Trustee
Weber wanted on record that every citizen in this town would say no way until the court comes back and says Hill is
guilty or innocent; he stays on unpaid leave. Trustee Weber asked Attorney Ehlers if we do nothing it stays as it is
on unpaid leave. Attorney Ehlers stated yah. Trustee Kreher is worried about what would happen to the Village.
Trustee Hampton said first we were told to do it the way we voted on. Now we are being told to do it another way,
are we going to come back and be told to do it even another way. Mayor Kearns stated first Hill was on paid leave
and then he changed it to unpaid leave. Mayor Kearns said to the board if you think that you have the ability to
research this and come up with a decision, he will hold his recommendation as is on record, you can do whatever
you feel necessary as a group, but I am maintaining what I have stated. Trustee Hampton asked Dallas Hill if he
did right or wrong. Dallas Hill answered did right. Trustee Hampton asked Dallas Hill if he ever lied to the board.
Dallas Hill answered yes. Trustee Kreher said we should follow what the attorney says. Mayor Kearns stated the
issue will remain as it stands.

GRANTS
Nothing new to report
PUBLIC BUILDINGS
Trustee Weber to hold a committee meeting to review the multi-purpose rental agreement. Trustee Geppert noted the mats at the front door need to be replaced as they are falling apart. Trustee Geppert to give a list of repairs needed to Tyler Liefer.

ORDINANCE REVIEW
Trustee Kreher noted a committee meeting was held 12/12/12 to review policy changes Lieutenant Buehler suggested to change. Lieutenant Buehler to give copies to the board for review.

TREASURERS TIME
The monthly treasurer report needs to be approved.

Trustee Geppert made a motion; seconded by Trustee Hampton to accept the monthly treasurer report as presented. A vote was answered aye by Kreher, Geppert, Hall, Weber and Hampton.

8:23 p.m. John Pawloski and Dallas Hill left.

Sandy noted the tax levy ordinance 2012-07 needs to be approved. The board approved the amount at the last meeting.

Trustee Kreher made a motion; seconded by Trustee Geppert to approve the tax levy Ordinance 2012-07. A vote was answered aye by Kreher, Geppert, Hall, Weber and Hampton.

CLERKS TIME
Nothing new to report.

MAYOR’s TIME
Trustee Kreher made a motion; seconded by Trustee Geppert to enter into executive session for personnel with Attorney Ehlers present at 8:27 p.m. A vote was answered aye by Kreher, Geppert, Hall, Weber and Hampton.

Trustee Kreher made a motion; seconded by Trustee Hall to return to regular session at 8:46 p.m. A vote was answered aye by Kreher, Geppert, Hall, Weber and Hampton.

Trustee Hampton read Police Policy Code P regarding disciplinary action that was placed in his box. Mayor Kearns stated Hill is still an employee of the Village, he is not fired, he has only been un-appointed which actually demoted him, so he now is the rank of Lieutenant and we are choosing to keep him on unpaid administrative leave pending the outcome of court. Attorney Ehlers said if the policy Hampton is looking at is from the Illinois Police Manual; it has not been approved or adopted by the Village. Mayor Kearns suggested the board read the Illinois Municipal League Handbook. This handbook is a guideline of the laws. Attorney Ehlers stated the Illinois State Police Training Act states you cannot put an officer on nonpaid leave because a complaint has been filed. This State law has only been in effect for about a year and there is no case law regarding this. Attorney Ehlers called an attorney that works for the state police, the director said they have no comment on something that is pending.

Attorney Ehlers noted due process is defined as a notice and opportunity of a hearing. Attorney Ehlers stated we have violated due process at this point because we have taken away his pay without a notice and a hearing. Mayor Kearns read a paragraph about the open meeting act and explained what he read as; a board is a board, a board has to act as a board, anytime any of you choose not to act as a board charges of official misconduct can be brought up against you. So if you are discussing a case and not everybody that sits on this board knows about this case, sooner or later somebody is going to charge you with official misconduct. So you have to be really careful, because the penalties are really stiff; fine and imprisonment. If you are sued Attorney Ehlers will not be representing you, you will have to get your own legal team together. Mayor Kearns stated he knew nothing about this case, who knew about it, somebody went to the sheriff’s department. Mayor Kearns said it will come out eventually. Trustee Kreher said you are not supposed to discuss Village board business outside of the boardroom. Attorney Ehlers stated that is correct it is a violation of the open meeting act.

Attorney Ehlers stated she is hired as Gary’s attorney not the board’s attorney and works at his pleasure. She cannot answer board questions unless Gary’s send them to her. Attorney Ehlers stated if it really comes down to an issue she will be advising Gary and she can’t be on both sides of the issue. Attorney Ehlers stated she works at Gary’s pleasure and anybody appointed by the Mayor works at his pleasure. He appoints and can un-appoint.
OTHER BUSINESS
Trustee Hampton said Donny Weber would like to talk with the board about the nursing home.

There being no further business the meeting adjourned at 9:13 p.m.       Gary Kearns
                                                                   Village President

                                                                   Michelle Neff
                                                                   Village Clerk