

**Evanston City Council  
Closed Session Minutes  
Aldermanic Library  
Monday, September 22, 2008**

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

STAFF: Elke Tober-Purze and Rolanda Russell, Mary Johns, Paul Gottschalk, Bob  
Gustafson

PRESIDING: Mayor Lorraine H. Morton

START: 11:27 p.m.

**Personnel:**

Interim City Manager Rolanda Russell announced she had three worker's compensation cases, and turned over the reporting to Mr. Robert Gustafson.

Mr. Gustafson stated he would start alphabetically with the three cases on hand. Thomas McGuigan was a Firefighter/Paramedic with the City of Evanston from September 22, 1980. He retired with a line-of-duty disability pension on September 7, 2008. He suffered a herniated disc, surgery was recommended and refused. The City spent \$81,811.71 for one year by PEDA, and also \$2,674.38 in medical expenses as well as \$2,251.50 in legal fees defending this case. Mr. Gustafson wanted to recommend extending the resolution at 50% equating to \$154, 992.50 in order to settle this case and close out any future medical liability. The resolution was moved to be approved and seconded with no objections. The second case concerns Mr. Idhan Tahirovic who was a Parks/Forestry Worker III with the City of Evanston back in March 8, 2004 and was subsequently terminated within his probationary period on September 7, 2004. He suffered post-traumatic stress disorder when he witnessed his supervisor falling approximately 40 to 50 feet from a tree during a training session. He was never off from work. There is a medical bill for \$540.00 which has not come in as of yet from the Cook County Hospital for care received. The biggest expense was the \$2000.00 independent medical exam they had him go through, and has incurred \$1,859.00 in legal expenses. Mr. Gustafson was recommending that a resolution authority of up to \$33,000.00 be extended to settle and close out the case from any future medical liability. He worked for approximately 6 months. He was being trained, it was he and his supervisor up in a tree, there were no other witnesses.

Alderman Rainey wanted to know what happened to the guy who fell out of the tree?

Mr. Gustafson stated the other worker was back on the job in the trees, trimming trees.

Mr. Gustafson stated that Idhan was crying and very distraught and was asked to be removed from the team.

Alderman Moran asked if we had an independent opinion that confirmed the diagnosis.

Mr. Gustafson answered yes.

Alderman Rainey asked what is he doing now?

Alderman Tisdahl asked could we put a cap on it for anything further, as you said may like to file later.

Mr. Gustafson answered if we settle it will prevent any future medical or treatments by doing that instead of going to trial, which then would leave open medical for the rest of his life.

Alderman Wollin moved that the Council approve the staff's recommendation, and was seconded by Alderman Tisdahl.

Mayor Morton asked were there any objections and hearing none this has been approved, and so we can move on to the next item.

Mr. Gustafson stated the final one is a Mr. Jeffery Zich/Electrical Inspector II, who began working for the City on April 6, 1998 and is still employed. On August 9, 2006 he suffered spinal stenosis, when he slipped down the stairs during an electrical inspection. He underwent a decompressive lumbar laminectomy. He was paid while on worker's compensation \$20,752.76 from August 21, through September 24, 2006, and then again April 24 through September 27, 2007. His medical bills cost the City \$36,560.47 and no outstanding bills. The City has incurred \$2,795.00 in legal expenses. He also has filed a lawsuit against the company doing work in that stairwell, and if he should win the case the City will recover 75% of the monies paid on this claim.

Alderman Bernstein asked are they going to third party us?

Mr. Gustafson answered yes. He also stated they have already intervened in that and so far our lien interest is \$57,313.33.

Alderman Rainey – asked where did this happen?

Mr. Gustafson answered it was 1620 Sherman on the fifth floor stairwell.

Alderman Wynne Madam Mayor I move that we approve staff's recommendation, and seconded by a number of Aldermen together. Since there are no objections then it's approved.

### **Real Estate:**

City Manager stated the next item was Real Estate. She received a Council agenda item with some renovation at the Library for architectural services, and instead of discussing it at the committee level she wanted to talk in Executive session about the facility. If we go forward with

rehab it would cost over \$100,000. Then we would need to make a commitment for both the North and South Branch.

Alderman Rainey interrupted by saying that is not Executive business was the statement of many Aldermen. She then stated if you want to talk about selling the North Branch section then that's Executive Session.

City Manager for the South Branch since we are leasing it.

Aldermen Rainey and Bernstein both answered no.

City Manager asked, so the discussion on leasing it for a number of years is not Executive Session?

Alderman Tisdahl stated she didn't think that they could discuss to keep the Branch Libraries open, it's not Executive Session.

City Manager stated it was not whether to keep the Branch open, I'll read the statement and you decide if it is eligible or not. If we go forward with what we have here we will have an additional 10 years on our lease we will have to negotiate.

Alderman Rainey stated that this was so not Executive Session.

Alderman Tisdahl stated that if we are discussing the sell price of what money we are going to get for the sale of the building on Central, but I don't see how discussing whether we are going to continue to lease the Building for the South Branch is. There were numerous statements made by the Aldermen concerning the relevancy of discussing the Library Branch during this Executive Session.

City Manager wanted to explain that the sale of one building would net the proceeds from the sale to be directed towards the renovation of the South Branch.

Alderman Wynne stated that we have already made that decision publicly.

Alderman Tisdahl stated that someone had called and wanted to buy the property, and she gave them Todd's number, because she was in Alaska and didn't want to make too many calls.

City Manager stated once they get a legitimate offer they would bring the issue back. So then the final item is litigation, and Elke would talk about some pending litigation.

### **Litigation:**

Attorney Elke Purze stated that she would be brief in giving an update on the trial that began last week, we have had a miss-trial and it was a good event for our side. They are going to try again, but this has been a bizarre set of facts as it relates to the trial. A female juror who is a nanny said she couldn't come to court because she had to work on Tuesday and Thursday. The

Judge said don't worry I'll call your boss. She then said, oh by the way I believe everything the Police say because they are always right. Then the second juror Mr. Ortiz, expressed the same thing to the judge, and he said also that he believed everything the Police say and that he would believe them over anyone else After this the Judge said he believed that those two tainted the whole jury pool.

Alderman Moran stated that this is the time to offer some money. Alderman Rainey agreed with his statement.

Attorney Elke Purze stated that when she left court the plaintiff was steadfast on \$350,000. He knew we were having a Council meeting tonight.

Alderman Moran – stated that they know we will give \$250,000 and what if we give Elke another \$25,000 not to offer it, but to give it to her and if the opportunity prevails itself then to use it.

After ample discussion and views being expressed; the finale decision as summarized by Mayor Morton was a sum of \$275,000.00.

Attorney Elke Purze gave an update of the Gram trial that was coming up on Tuesday.

Mayor Morton since we have completed the agenda of the Executive Session, I call the meeting adjourned.

Respectfully submitted,  
Rodney Greene, City Clerk