

URBANA CITY COUNCIL  
CLOSED SESSION

(Litigation and Probable or Imminent Litigation)  
November 6, 1995

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The City Council of the City of Urbana, Illinois met in closed session at 10:45 p.m. in the Mayor's office in the City Building.

Members of the Council present: Mr. Hayes, Ms. Kearns, Ms. Patt, Mr. Pollock, Ms. Ryan, Mr. Taylor and Mr. Whelan. Staff present: Mayor Satterthwaite, Mr. Gray, Mr. Walden, Mr. Waaler and P. Clark, City Clerk.

Solid Waste Lawsuit

The Mayor addressed the Council on the solid waste lawsuit. The Mayor reviewed some key points and wanted to get a consensus to bring Mr. Diamond to Urbana to present them to Mr. Stanko. The points are as follows:

- Proposal by haulers to service city recycling pick-up in five (5) zones. -- The haulers will do this if they could service the city in garbage pick-up and curbside in five (5) zones.
- Rates required to be on file with the city and published. -- The haulers want the publishing of the rate to be deleted.
- Licensing Fees - City proposed \$500.00 for business and \$200.00 per truck. -- Haulers want \$200.00 for business and \$100.00 per truck.
- Basic service level - either back door or curbside. -- Haulers will accept this if it could be either back door or curbside instead of all back door or all curbside.
- When to notify City of rate increase. -- Instead of the 14 days before as proposed by the city, the haulers want to change to within 30 days after the new rate has started.

The issue of time constraints as to when haulers could run was raised by Ms. Patt. Mayor Satterthwaite thought that 6 a.m. to 7 p.m. would be workable hours of operation, however, the haulers would have to review and agree or make suggestions. As it is, we will leave it at

6 a.m. to 7 p.m. and negotiate from there.

As discussion proceeded, Council commented on the above points as follows:

- Publishing of the rates is really public information and the haulers should be made aware that the city would be publishing them.
- Licensing fees are okay as they are with no changes needed.
- Basic service level - did not care if it was back door or curbside, the hauler needs to specify.
- Rate increase - Council felt that haulers should not increase rates without giving the city notification of the percentage of the increase.

The mayor wanted a straw poll of the Council authorizing him to have Mr. Diamond to come to Urbana on Thursday to talk with Mr. Stanko and present Council's comments in hopes that this issue can be wrapped up.

The Council unanimously agreed. (Mr. Taylor left closed session at 11:25 p.m.)

#### Jumers - Probable Or Imminent Litigation

Mr. Walden advised that Jumers real estate tax has been sold to a third party for about \$90,000.00 and they are now seven (7) months in arrears with the city on the 1977 personal note. They are also in arrears with their state tax and the hotel motel tax.

The Jumers family does not own the property here it is owned by Oppenheimer and they just use the Jumers name.

Mr. Walden wanted to get a feel from the Council to see if they felt that there was grounds for probable or imminent litigation. By a show of hands the Council unanimously agreed that there was probable cause.

Mr. Walden gave a brief report on the history of Jumers.

#### History

- 1977 - Original acquisition/sale of land to Jim Jumers,
- 1981 - City issued G.O. (General Obligation) Bonds for a 69 room addition,
- 1983 - Deal amended - sold property to Oppenheimer and HPA Partners,
- 1989 - Bettendorf Release of third mortgage and last year that Jumers managed property,
- 1991 - Oppenheimer files Chapter 11 - Busey Bank and City of Urbana did a workout,
- 1993 - Oppenheimer defaulted - Jumers cured note,
- 1995 - Oppenheimer - pending default/ taxes sold/ 1977 note under default by 7 months/ state and hotel motel taxes in arrears.

Action that Mr. Walden proposed is to determine legal status and to approach Jim Jumers again to see if he would get involved so that the place can be saved.

There being no further business or discussion to come before this closed session it was adjourned back to regular session at 11:45 p.m.

Respectfully submitted,

Phyllis D. Clark  
City Clerk