

**Special Village Board  
September 28, 2010**

President Coutts called the meeting to order at 6:21 p.m., at the East Side Community Center, 6156 Douglas Avenue, Racine, Wisconsin Present were

Board Members: Trustee Burton, Trustee Griswold, Trustee Wanggaard, Trustee Weatherston, Trustee Bradley and President Coutts

Absent: Trustee Wishau was excused

Department Managers: Village Administrator Tom Lebak. Also present was Attorney Elaine Ekes

**1. The Village Board will take up a motion to go into CLOSED SESSION, pursuant to s. 19.85(1) (g), WI Stats., to confer with legal counsel with respect to the litigation between the Kenosha/Racine Land Trust, Inc. and Blue River Preserve LLC in which the Village has been named as a Third-Party Defendant and separate litigation between the Village of Caledonia, Robert Klein and Travelers Insurance Company.**

Trustee Wanggaard moved, seconded by Trustee Bradley to go into CLOSED SESSION, pursuant to s. 19.85(1) (g), WI Stats., to confer with legal counsel with respect to the litigation between the Kenosha/Racine Land Trust, Inc. and Blue River Preserve LLC in which the Village has been named as a Third-Party Defendant and separate litigation between the Village of Caledonia, Robert Klein and Travelers Insurance Company.

Attorney Ekes explained the litigation between the Racine/Kenosha Land Trust, Inc. and Blue River Preserve LLC in which the Village has become involved as a third-party defendant. She also explained the litigation between the Village, Robert Klein and Travelers Insurance Company.

**2. The Village Board reserves the right to RECONVENE INTO OPEN SESSION To take possible action on the items discussed during the CLOSED SESSION and to take up the rest of the agenda items.**

Trustee Burton moved, seconded by Trustee Bradley to reconvene into open session.  
**Motion carried unanimously.**

**Blue River Preserve, LLC Litigation**

Trustee Weatherston moved, seconded by Trustee Wanggaard to authorize legal counsel to answer the lawsuit, attend the scheduling conference and report back to the board.

**Motion carried unanimously.**

**Robert Klein and Travelers Insurance Co., Litigation**

Trustee Weatherston moved, seconded by Trustee Burton authorize legal counsel to make an offer corresponding to what was discussed in closed session.

**3. Consideration and possible action to retain legal counsel of Attorney John Hotvedt of Burlington WI. to review and investigate certain allegations previously made by Trustee Griswold against members of the Village of Caledonia Storm Sewer Utility District.**

Joyce Brainard and Gale Morgan were present as Commissioners on the Storm Sewer Utility District.

President Coutts explained that the Storm Sewer Utility District Commissioners are seeking approval to conduct an investigation regarding allegations made by Trustee Griswold against the Commissioners. The District Commissioners want their names cleared. Trustee Griswold stated that he did nothing wrong and felt President Coutts should not have publicized the email that he sent him. Trustee Griswold also stated that he stands by his source. Discussion was held regarding open records. Trustee Griswold stated that all he wanted was a closed session meeting. President Coutts felt it was his duty to investigate allegations made. It was recommended to approve to hire attorney John Hotvedt to conduct an investigation. His rate is \$175 per hour and estimated it to cost about \$5,000. Trustee Griswold talked about gratuities and stupidity. Trustee Burton felt it needed to be investigated and funded by the Storm Sewer Drainage Commission.

Trustee Weatherston moved, seconded by Trustee Burton to retain Attorney John Hotvedt to conduct an investigation against certain allegations previously made by Trustee Griswold against the members of the Storm Sewer Utility District. **Motion carried, 5/1 (Griswold)**

Trustee Wanggaard moved, seconded by Trustee Bradley to adjourn. Meeting adjourned at 7:18 p.m.

Respectfully submitted,

Karie Torkilsen  
Village Clerk