



306 West Church Street
Champaign, IL 61820
Phone 217-352-1800
Fax 217-352-1083
www.meyercapel.com

LORNA K. GEILER
lgeiler@meyercapel.com

February 28, 2017

COPY

Via Federal Express
Jacob Smallhorn
Tapella & Eberspacher
6009 Park Dr.
Charleston, IL 61920

**Re: Allen and Kraft v. Clark County Park District
Clark County Case No. 15-MR-4
Settlement Agreement**

Dear Jake,

Enclosed please find the following:

- A copy of the fully executed Settlement Agreement and Release;
- Settlement draft (#022958) made payable to John Kraft & Kirk Allen in the amount of \$7,500;
- Minutes from the meeting approving the Settlement Agreement;
- Minutes from the meeting approving the settlement amount; and

Respectfully,

XX
XX
Lorna K. Geiler

LKG:klm
Enclosure



SETTLEMENT AGREEMENT AND RELEASE

This Settlement Agreement and Release is made and entered by and between the Clark County Park District, its officers, agents, commissioners, directors, managers, supervisors, employees, representatives and their successors and assigns ("CCPD"), Kirk Allen, his agents, attorneys, assigns, heirs, executors and administrators ("Allen") and John Kraft, his agents, attorneys, assigns, heirs, executors and administrators ("Kraft").

In consideration of the monies, mutual promises and covenants herein contained and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Allen and Kraft's Representations.

1.1 Release of all Claims. Allen and Kraft hereby forever release, acquit and discharge CCPD and all of its officers, agents, commissioners, directors, managers, supervisors, employees, representatives and their successors and assigns and all persons acting by, through, under or in concert with any of them, from any and all claims, causes of action, damages or costs of every kind and nature, past, present and future, known or unknown, suspected or unsuspected in any way relating to the allegations and claims contained in the Complaint filed by Allen and Kraft in Clark County Circuit Court Case No. 15-MR-4 ("Litigation"), regarding certain final votes taken at a Clark County Park District Board Meeting on February 17, 2015.

1.2 Allen and Kraft agree that subsequent to the filing of this litigation, the District took appropriate action to remedy the concerns expressed in this

Litigation and no further action is required.

1.3 Dismissal With Prejudice. Further, Allen and Kraft agree to execute the Stipulation of Dismissal With Prejudice attached hereto as Exhibit 1, thereby cooperating in the effectuation of an Order dismissing the Litigation referenced hereinabove.

2. CCPD's Representations. CCPD shall pay to Kraft and Allen, LLC seven thousand five hundred dollars and 00/100 (\$7,500) for Plaintiffs' attorney's fees.

3. Contractual Agreement. Allen and Kraft understand that the terms of the Settlement Agreement and Release are contractual and are not a mere recital.

4. Independent Advice of Counsel. Allen and Kraft represent and declare that, in executing this Agreement, they relied solely upon their own judgment, belief and knowledge, and/or on the advice and recommendations of their independently selected counsel concerning the nature, extent, and duration of their rights and claims. Allen and Kraft further represent and agrees that they has not been influenced by any representations or statements concerning any matters made by any other parties or by any person or attorney representing any other parties.

5. Successors and Transferees. The provisions of the Settlement Agreement and Release shall be deemed to obligate, extend to and inure to the benefit of all Parties, including, if applicable, his/her/its/their heirs, successors, assigns, transferees, grantees, indemnitors and indemnitees.

6. Severance of Terms. If any provision of this Settlement Agreement and Release is held to be illegal or invalid by a Court of competent jurisdiction, the provision(s) shall be deemed severed and deleted. Neither such provision nor its severance and deletion shall affect the validity of the remaining provisions.

7. Integration Clause. The Settlement Agreement and Release memorializes and reflects the entire agreement and understanding between Allen, Kraft and CCPD, superseding and replacing any and all prior negotiations proposed agreement or agreements, whether in written or oral form relating to the Litigation. Allen and Kraft acknowledge that no other party, nor agent, representative nor attorney of any other party has made any promise, representation or warranty outside the four corners of this document.

XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX
Kirk Allen

Date: 1-23-17

XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX
John Kraft

Date: 1-23-17

Clark County Park District

XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX
By: [Signature]
Ron Stone, as President of the Clark County
Park District Board of Commissioners

Date: 2/16/17

Prepared by:

Lorna K. Geiler
MEYER CAPEL, A Professional Corporation
306 W. Church Street, P.O. Box 6750
Champaign, IL 61826-6750
Telephone: 217/352-1800
Facsimile: 217/352-9294
Email: lgeiler@meyercafel.com



Clark County Park District

Regular Meeting Minutes

January 19, 2017

6:00 pm

CALL TO ORDER

The Clark County Park District Board President Ron Stone called the regular monthly meeting to order on January 19, 2017 at 6 pm. Present were President Ron Stone, Vice President Terry Stepp, Secretary Treasure Glenn Kuehnel, Commissioner Randy Blankenship, Commissioner Joe Ewing, Commissioner Don Pine, and Commissioner Steve Turpin. Also present was Administrative Assistant Jana Williamson and via conference call Executive Director Charity Murphy. Lorna Geiler, Legal Counsel for the District was available if needed by phone.

Pledge of Allegiance- Said.

Approval of Agenda- Motion made by Commissioner Stepp and seconded by Blankenship, motion passed 7 aye / 0 nay.

Public Comment- Dave Plus representing for Bass Unlimited Foundation proposal to Mill Creek Park for 2017 Bass Unlimited High School Team Tournament Cup 2017. Executive Director Charity Murphy did approve this special fishing tournament.

New Business –

- a. Approval of Minutes by consent agenda-
 - i. Regular Board Meeting Minutes December 15, 2016 - Motion made by Commissioner Blankenship and seconded by Ewing, motion passed 7 aye / 0 nay.
 - ii. Executive Session Meeting Minutes December 15, 2016 – Tabled.
- b. Director's Report – Executive Director Charity Murphy said would be forthcoming.
- c. **Payment of Bills -** Motion to pay the bills excluding Sycamore Engineering made by Commissioner Stepp, seconded by Pine. Roll call vote: Ewing aye, Pine aye, Turpin aye, Blankenship aye, Stepp aye, Stone aye and Kuehnel aye, and motion passed. Motion to pay the bills including Sycamore Engineering made by Commissioner Kuehnel, seconded by Stepp. Roll call vote: Pine aye, Turpin aye, Blankenship aye, Stepp aye, Stone abstained, Kuehnel aye, Ewing aye. Motion passed.
- d. Status of Jenny Higginbotham's Dock – Executive Director Charity Murphy said PDRMA was waiting for information about the age of the dock and a couple other items from Jenny Higginbotham and Larry Yargus.
- e. Discussion of Budget revision- Commissioner Stepp stated, the budget is not set in stone. The budget needs to be to be looked at yearly at the end of the third quarter, then start the budget

Clark County Park District A/P Aging Summary

As of January 12, 2017

	Current	1 - 30	31 - 60	61 - 90	> 90	TOTAL
Caterpillar Financial Services	0.00	987.36	0.00	0.00	0.00	987.36
D-I Supply	0.00	69.17	0.00	0.00	0.00	69.17
Dimond Financial Consultants Inc.	0.00	0.00	1,587.50	0.00	0.00	1,587.50
Hutton's Parts Service, Inc.	0.00	418.74	14.94	0.00	0.00	433.68
Illinois Department of Natural Resources	0.00	0.00	0.00	0.00	0.00	0.00
John Deere Financial	81.43	0.00	0.00	0.00	0.00	81.43
John Kraft & Kirk Allen	0.00	7,500.00	0.00	0.00	0.00	7,500.00
Kirchner Building Center	74.03	0.00	0.00	0.00	0.00	74.03
Lowe's	0.00	507.12	0.00	0.00	0.00	507.12
Meyer Capel	0.00	1,412.33	0.00	0.00	0.00	1,412.33
PDRMA	0.00	5,520.60	0.00	0.00	0.00	5,520.60
Scotty's Lawn Care	0.00	0.00	0.00	0.00	1,200.00	1,200.00
Sycamore Engineering	0.00	0.00	464.50	0.00	0.00	464.50
VOID	0.00	0.00	0.00	0.00	0.00	0.00
Ye Old Glass Shoppe	0.00	220.88	0.00	0.00	0.00	220.88
TOTAL	155.46	16,636.20	2,066.94	0.00	1,200.00	20,058.60



Clark County Park District
Regular Monthly Meeting Minutes

February 16, 2017

6:00 pm

Call to Order

The Clark County Park District Regular Monthly Meeting was called to order on February 16, 2017 at 6:00 pm. Present: Board President Ron Stone, Commissioner Randy Blankenship, Commissioner Don Pine, Commissioner Steve Turpin and Jana Williamson. Absent: Vice President Terry Stepp, Secretary/Treasurer Glenn Kuehnel, Commissioner Joey Ewing and Legal Counsel for the District Lorna Geiler.

Pledge of Allegiance

Said

Approval of Agenda

Tabled e. Discussion and Vote on the lease of lot 6 in Mill Creek Ridge subdivision for Jeffrey and Liz Brunson for term of 50 years. Board prefers a full Board for this item.

Tabled f. Discussion and Vote on property attached to Rowdy Williams home, is it no longer needed for CCPD recreational purposes. Board prefers a full Board for this item.

Motion to approve the agenda was made by Pine and second by Blankenship. Motion passed 4 yea and 0 nay.

Public Comment

Jeff Wallace – Offered Insight to the Board concerning using the IAPD for the Executive Director search. Shared his concern because District had in past years used the IAPD and he stated they are more of a lobbying organization. Districts do not get much service for the money they spend. Jeff also said a lot of Park Districts have seen the light and have been pulling away from this association. Jeff was not happy with the search IAPD did for the District in the past. Jeff urged the Board not to use that service again. Also Jeff spoke of his concern of leasing lots to the Board, hoping the Board would reconsider leasing of Park District lots. Some of this property was taken by eminent domain and the people did not get a lot of money for it. Jeff said it is not right for the District to turn around and lease this to people who have a lot of money and everything. He also brought his concerns about the legal ramification of leasing the lots. He urged the Board to do a further legal review of what they are doing before and with a new legal counsel. The District has been embroiled in a lot of legal issues that has cost the Park District and tax payers a tremendous amount of money and he is afraid that will continue.

New Business

Approval of minutes by consent agenda. Commissioner Pine asked if the Directors Report came in from Charity Murphy, none was received. Commissioner Pine commented that committee reports listed showing no minutes, can we clarify what that means. Some of the minutes are in the packet, but yes some are missing because Jana has to go back and bring them up to date. Under Executive Session, at no point did it say we came out from executive session. It appears we had discussion and a vote under Executive Session but coming out of Executive Session was missing. (The recorder went dead, per Jana). Motion to approve minutes by consent agenda with corrections as noted, made by Commissioner Pine and second by Commissioner Turpin. Motion passed with 4 yea and 0 nay.

Director's Report

This report was submitted by Jana Williamson right before the Board meeting. Report is an update as to where the Park is right now preparing for opening April 1, 2017. Commissioner Turpin asked if we had a ball park feel as to when we would send out leases? Jana stated she would know more by Friday morning the 17th, and would get them out the next week. The lake dock lease still needs to be updated and gone over by the District's attorney. The goal is to get them out by the end of the month. Campground lease requires updating also. Commissioner Turpin wants to come in and review the leases. The district is waiting also for the LIST for additional Annual and Seasonal requested camp sites for 2017. Individuals on this LIST have been very understanding about no information coming forth, so they still do not know if they have sites or not. Commissioner Blankenship asked about the water issue in the New Cabin in the New Lower unit. Water is coming into a back bedroom and requires housekeeping and maintenance to clean several times while guest were staying in this unit. The draining outside of this building has been rerouted but the issue is still continuing. Maintenance Foreman Rich Maynard evaluated the problem and after the wall pushed in, he removed the wall. There is a hole in the foundation and the wall is cracked. It is a poured basement wall with Styrofoam on the inside and outside. Rich has contacted two different individuals who do this kind of foundation work. We are in the process of getting information and quotes on repair work needed. This cabin is rented April 1st. Commissioner Stone said he would be happy to come over and dig it open with his little excavator if that would help. We will lose the sidewalk. Any rain or ground water is going to pour right through this crack and through the little perforations throughout this wall. The well issue in the back of the Park near Buechler Shelter needs to be discussed with the Board first. The State of Illinois Health Department inspection listed it to be sealed it if we are not using it by 4/15/17. Waiting on report and estimate from Hacker Drilling who is approved and licensed for Clark County. Commissioner Turpin said, earlier when he came on the Board, that the Board of Health did not say the well was bad but needed to be looked at and repaired. This well has always been non potable water. This well needs to be on a regular testing cycle. Commissioner Pine asked if we were addressing the other items on the inspection list and yes the fans in the shower house including the women's shower house are being replaced. Motion to approve the Director's report was made by Commissioner Blankenship. Commissioner Pine asked if there was any feedback on the Higginbotham's dock. The insurance check had come in to the Park District office and is waiting for pickup. The motion then second by Commissioner Pine. Motion carried 4 yea and 0 nay.

Payment of the Bills

Commissioner Blankenship questioned Altorfer bill charging tax. Continued to look at other bills for taxing issues. Noted by Board members to be sure that staff understands to notify cashier that we are

tax exempt at time of purchase. Commissioner Blankenship asked to see the Reidle, Inc. bill, said we should be mixing our own fuel and not paying \$16 for a gallon of gas. Jana will address this with maintenance. Commissioner Pine did question \$826 for gas use for the month. This is the cost of the tank being filled for the month for Park use. We are tracking gallons as it goes in to our vehicles. Maintenance equipment, some should be charged to the renovation for the Old Upper Cabin and for tools we did not have to perform the work on the cabin. Jana also stated that Rich is concerned about the security of the Park District's tools and keeping an inventory of them. The jumpstart on the purchasing of tools was the Old Upper Cabin work. Jana will check with Danielle to be sure that tools are charged off properly. Commissioner Turpin asked if we had our OHV stickers, we do not but we do have our credit. Commissioner Pine said there were state and unemployment taxes showing on one statement but not the other. Commissioner Pine will contact Danielle. Commissioner Pine also question the liability insurance, how it is less than last year. Jana said she had noticed and was in the process of getting quotes on liability insurance along with working on health benefits for employees. We need to see a copy of our coverage through PDRMA. Motion to approve the bills except Sycamore Engineering was made by Commissioner Turpin and seconded by Blankenship. Motion carried 4 yea and 0 nay. Motion was made to pay Sycamore Engineering by Blankenship and second by Pine. Motion carried 3 yea and 0 nay, with Commissioner Stone abstaining.

Discussion that Commissioner Turpin would contact Ben Luken about the budget.

Discussion and vote to approve quote for replacement of maintenance garage heaters. Two quotes were in the Board packet and then one came into the office yesterday. Questions about what the recovery rate might be. There were two 80,000 units and one 100,000 unit. Current heaters do not go out the roof, they go out the side wall. It was discussed to continue to go out of the wall because of the condensation, it is better to have air forced powered units out the wall. The units that are up now were put up before the car rack was, it is not safe. Board wants to know the recovery rate. Would like to know the warranties. Commissioner Pine asked if we needed to move on this project now. No not needed now as much as when it was cold. Would like a requote to be done.

Item e. is tabled.

Item f. is tabled.

Item g. Discussion and Vote of the Kraft / Allen litigation vote and approval. The motion made to approve for settlement was made by Commissioner Turpin and second by Commissioner Blankenship. Motion carried 4 yea and 0 nay.

Item h. Discussion of the annual vendor services.

Item i. Discussion of annual vendor contracted services.

Committee Reports

Cabin –

Campers – Minutes

Community Parks –

Dock – Minutes

Finance – Minutes

Fishing –

Master Plan –

Policy –

Trails –

Stone made the motion to go into Executive Session – 5IL CS 120/2C1. Motion second and passed 4/0.

Executive Session

- a. Pending Litigation- Pending litigation not needed.
- b. Personnel -

New Business

- a. Discussion and Vote of Pending Litigation – not needed.
- b. Discussion and vote on Personnel – Tabled
- c. Discussion and vote on Previous Executive Session Minutes – Wait till later.
- d. Motion was made to appoint Jana Williamson as Interim, motion was second and passed 4/0.

Adjourned: 7:30 p.m.

_____ Date
Clark County Park Board, President

_____ Date
Clark County Park Board, Secretary/Treasurer