

VILLAGE OF MORRICE
SPECIAL COUNCIL MEETING
VILLAGE HALL

Monday, December 19, 2022

6:00 p.m.

(Approved 01/10/23)

Meeting was called to order at 6:00 p.m. by President Todd Scott.

Pledge of Allegiance was recited.

Council Members Present: Todd Scott, Phyllis Dickerson, Andy Flynn, Philip Hruska, Robert Peterson, and Bridgett Flynn.

Absent: None.

Also Present: Attorney: Chris Parks.

Guest Comments on the Agenda: None.

MOTION by A. Flynn, seconded by P. Hruska to approve the agenda. All ayes. Motion carried.

NEW BUSINESS

6.1 131 Main Street – Personal Representative

C. Parks explained that at the December 14th hearing the judge denied opening the estate and appointing the Public Administrator as the Personal Representative to the estate. As there are known heirs to this estate the Public Administrator does not have to act. Usually, they would take the case if there were no known heirs. The judge did not believe there is a sufficient conflict of interest, and the Village could act as the Personal Representative in this matter. He gave three alternative solutions to the matter –

1. Allow the State to take back the property after State taxes get large enough for the State to get involved.
2. The Village has 30 days to research and explain why the Personal Representative is needed.
3. The Village can hire an independent Personal Representative to avoid any conflict of interest.

C. Parks and J. Gormley believe there is a conflict because as soon as the estate is open the Village plans to sue to demolish the building. J. Gormley reached out to Dale Schaller about potentially coming on as the Personal Representative. He quoted a price of \$200. per hour to perform the duties. The County Administrator would charge \$275. per hour.

There is no case law that would be in the Village's favor. To let it go back for taxes could take about 1 ½ - 2 years. The Village would get first rights to purchase it for whatever back taxes are owed.

R. Peterson asked about the mortgagers. C. Parks explained that they are in the same place as the Village. They would have to take possession of the property and there is no value or money involved. They did not attend the hearing.

Council discussed the costs of the attorneys and the representative and of tearing down the buildings. They talked about safety issues and questioned the back tax situation.

P. Hruska explained that he is not keen on hiring the personal representative at \$200/hour without knowing the end cost. The Village has no liability in this matter but does have a fiduciary duty to taxpayers.

If the Village takes no action within the 30 days - January 13th is the deadline – the case will be dismissed. The Village will have to refile and reopen and pay the costs again to move forward.

T. Scott noted that there are a lot of unknowns at this point.

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MOTION by R. Peterson to go with option #3 after finding out about taxes and what the land bank will do. No support. Motion failed.

B. Flynn asked if the Village could appeal the judge's decision. C. Parks explained that there is no case law in the Village's favor.

It was decided that the Village needs more information about the back taxes and whether or not the land bank can get the property in their possession. Need to have a ballpark figure for what the representative's total cost will be, and the approximate attorney fees before moving forward. C. Parks said there will be at least one hearing to appoint a representative, 1 ½ hours to draft a motion, and 3 hours for the hearing to open the estate.

It was suggested that the Clerk find out the tax amount and the timeline to take possession.

MOTION by T. Scott, seconded by P. Hruska to TABLE this issue until more information is available. All ayes. Motion carried.

MOTION by T. Scott, seconded by P. Hruska to adjourn. All ayes. Motion carried.

Meeting adjourned at 6:35 p.m.

Todd Scott, Village President
Karen McGuire, Clerk