

VILLAGE OF
FAIRMONT CITY, ILLINOIS
2601 NORTH 41ST STREET FAIRMONT CITY, IL, 62201-2205
TELEPHONE: (618) 274-4504
FAX: (618) 274-4010

ALEX J. BREGEN
VILLAGE PRESIDENT

RICHARD D. RAMIREZ
VILLAGE CLERK

Meeting Agenda- August 3, 2016

Opening Prayer and pledge of allegiance to the flag

Roll Call

Minutes of previous meeting

Report of Treasurer

Clerk's Reports

Police Chief Report

Report of Zoning Administrator

Report of Fire Chief

Report of Public Works Director

Committee Reports

Mayor's Report

Public Comment

Closed Executive Session

Request for Closed Executive Session to Possible Civil Litigation

Bills

Adjournment

Richard D. Ramirez, Clerk

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ALEX J. BREGEN
VILLAGE PRESIDENT

RICHARD D. RAMIREZ
VILLAGE CLERK

**MINUTES OF REGULAR MEETING OF THE PRESIDENT AND BOARD OF
TRUSTEES OF THE VILLAGE OF FAIRMONT CITY HELD ON
WEDNESDAY, JULY 20, 2016
4001 COOKSON ROAD
FAIRMONT CITY, ILLINOIS
AT 7:00 P.M.**

President Bregen called the meeting to order followed by the opening prayer and pledge of allegiance.

Clerk Ramirez recorded the attendance. The following were in attendance: Trustees: David Suarez, Hernandez, Munoz, Michael Suarez, Fiudo and Arriola. Also in attendance were Treasurer Abe Aleman, Police Chief/ Administrator, Scott Penny, Fire Chief Robert Allen and Public Works Director Roger Juenger.

A motion to approve the minutes of the previous meeting of July 6, 2016 was made by Michael Suarez and seconded by Munoz. Roll Call Vote: David Suarez, yes; Hernandez, yes; Munoz, yes; Michael Suarez, yes; Fiudo, yes; Arriola, yes.
(Motion Passed)

Treasurer's Report

Treasurer Aleman presented the financials for June, 2016. The treasurer reported a substantial amount of property tax has been received by the village.

Treasurer Aleman also reported the bill for the sewer repair on 32nd Street was paid from the sewer account.

Treasurer also reported in review of the \$50,000.00 grant received by the fire department in 2014 \$13,000.00 remains unaccounted for. An extension has been submitted to the state in order to spend the remaining funding.

Clerk's Report

Clerk Ramirez presented Ordinance 714, AN ORDINACE PROVIDING THE ANNUAL APPROPRIATION FOR THE VILLAGE OF FAIRMONT CITY, ST. CLAIR COUNTY, ILLINOIS, FOR THE FISCAL YEAR BEGINNING MAY 1, 2016 AND ENDING APRIL 30, 2017.

The motion was made by David Suarez and seconded by Hernandez to approve Ordinance 714, AN ORDINACE PROVIDING THE ANNUAL APPROPRIATION FOR THE VILLAGE OF FAIRMONT CITY, ST. CLAIR COUNTY, ILLINOIS, FOR THE FISCAL YEAR BEGINNING MAY 1, 2016 AND ENDING APRIL 30, 2017. Roll Call Vote: David Suarez, yes; Hernandez, yes; Munoz, yes; Michael Suarez, yes; Fiudo, yes; Arriola, yes.
(Motion Passed)

Clerk Ramirez presented Building Permit Application 5509 Delmar, Room Addition, Linda Lamos owner.

With everything in order the motion was made by Michael Suarez and seconded by Arriola to approve the Building Permit Application 5509 Delmar, Room Addition, Linda Lamos owner. Roll Call Vote: David Suarez, yes; Hernandez, yes; Munoz, yes; Michael Suarez, yes; Fiudo, yes; Arriola, yes.
(Motion Passed)

Report of Police Chief

President Bregen asked for an update concerning a report to F.E.M.A. (Federal Emergency Management Agency) regarding the recent storm in the area. The chief reported he is still waiting to hear back from the county regarding other communities affected to finish the application. Trustee Michael Suarez reported Director Juenger has been keeping track of the work the street department has been doing. The police and fire departments are doing the same.

Report of Zoning Administrator - No Report

Report of Fire Chief

Fire Chief Allen reported his department has been extremely busy with 58 calls so far, in the month of July. The storm accounted for 35 of the calls. He commended his crew for their continuous dedication.

Report of the Public Works Director

Public Works Director Juenger reported the Granby Project bathrooms have been completed and Calhoun Construction has been paid.

The bill for the Cookson Road sewer repair has not been received.

Committee Reports

Police/Public Safety-Chair-Hernandez - No Report

Economic/Finance, Development, Planning, and Tourism – Chair – Fiudo – No Report

Streets, Sewers, Grounds, Building & Parks – Chair Michael Suarez

Public Health & Housing – Chair- Munoz

Trustee Munoz reported the soccer clinic will be held July 31, 2016 from 9am through 11am, at the Maryland Avenue venue.

Community Relations & Communications – Chair – Arriola – No Report

Fire Protection – Chair – David Suarez – No Report

President's Report

President Bregen reported he received a number of calls complimenting the various village departments regarding the response to the storm. The president thanks the department heads for a job well done.

Public Comment

A local resident also complimented the departments for their response to the crisis. He also stated he would like to see village trustees get more involved in such responses.

Municipal Bills

A motion that the bills are accepted as presented and authorized for payment was made by Fiudo and seconded by Munoz. Roll Call Vote: David Suarez, yes; Hernandez, yes; Munoz, yes; Michael Suarez, yes; Fiudo, yes; Arriola, yes.
(Motion Passed)

Adjournment

A motion to adjourn the meeting was made by Michael Suarez and seconded by Munoz. Roll Call Vote: David Suarez, yes; Hernandez, yes; Munoz, yes; Michael Suarez, yes; Fiudo, yes; Arriola, yes.
(Motion Passed)

The meeting was adjourned.

Respectfully submitted
Richard D. Ramirez
Village Clerk
July 20, 2016

CIRCUIT COURT FOR THE 20TH JUDICIAL CIRCUIT

State of Illinois)
County of St. Clair) S.S.

Case Number 16-

Amount Claimed more than \$50,000.00

Cheyenne C. Buneta and Terry Buneta VS	Fairmont City, Illinois, Teresa Suarez, Rojas Vega, Francisco Barajas, Panlino Rosas and Miroslava Juarezde Baragos
Plaintiff(s)	Defendant(s)

Classification Prefix _____ Code _____ Nature of Action _____ Code _____

Pltf. Atty. Thomas Maag Code 62726
Address 22 West Lorena Avenue
City Wood River, IL 62095 Phone 216-5291
Add. Pltf. Atty. _____ Code _____

TO THE SHERIFF: SERVE THIS DEFENDANT AT:

NAME Fairmont City, Illinois

ADDRESS 2568 N 41st St, Ste C

SUMMONS COPY

To the above named defendant(s)

CITY & STATE East Saint Louis, Illinois

A. You are hereby summoned and required to appear before this court at (court location) _____ at _____ M. On _____ 20_____
to answer the complaint in this case, a copy of which is hereto attached. If you fail to do so, a judgment by default may be taken against you for the relief asked in the complaint.

B. You are summoned and required to file an answer to the complaint in this case, a copy of which is hereto attached, or otherwise file your appearance, in the office of the clerk of this court within 30 days after service of this summons, exclusive of the day of service. If you fail to do so, judgment of decree by default may be taken against you for the relief prayed in the complaint.

TO THE OFFICER:

This summons must be returned by the officer or other person to whom it was given for service, with indorsement thereon of service and fees if any, immediately after service. In the event that paragraph A of this summons is applicable this summons may not be served less than three days before the day of appearance. If service cannot be made, this summons shall be returned so indorsed.

This summons may not be served later than 30 days after its date.

WITNESS, JUL 07 2016 20_____

KAHALAH A. CLAY

Clerk of Court

BY DEPUTY: Uncle Dale

DATE OF SERVICE: July 11th 2016

(To be inserted by officer on copy left with defendant or other person)

SEAL



I certify that I served this summons on defendants as follows:

(a) - (Individual defendants – personal):

By leaving a copy of the summons and a copy of the complaint with each individual defendant personally as follows:

Name of defendant	Date of service

(b) - (Individual defendants - abode):

By leaving a copy of the summons and a copy of the complaint at the usual place of abode of each individual defendant with a person of his family, of the age of 13 years or upwards, informing that person of the contents of the summons, and also by sending a copy of the summons and of the complaint in a sealed envelope with postage fully prepaid, addressed to each individual defendant at his usual place of abode, as follows:

Name of defendant	Person with whom left	Date of service	Date of mailing

(c) - Corporation defendants):

By leaving a copy of the summons and a copy of the complaint with the registered agent office, or agent of each defendant corporation as follows:

Defendant corporation	Registered agent, officer or agent	Date of service

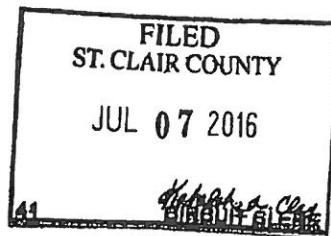
(d) - (Other service):

SHERIFF'S FEES	
Service and return	\$
Miles	\$
Total	\$
Sheriff of	County

, Sheriff of _____ County

, Deputy

IN THE CIRCUIT COURT
TWENTIETH JUDICIAL CIRCUIT
SAINT CLAIR COUNTY, ILLINOIS



CHEYENNE C. BUNETA and)
TERRY BUNETA,)
Plaintiff,)
v.)
FAIRMONT CITY, ILLINOIS,)
TERESA SUAREZ, ROJAS VEGA,)
FRANCISCO BARAJAS, PANLINO ROSAS)
and MIROSLAVA JUAREZDE BARAGOS)
Defendant.)

Case No. 16-L 345

COMPLAINT

Comes now Plaintiffs Cheyenne C. Buneta and Terry Buneta, by and through their attorneys, and against Defendants, and state as follows:

COUNT I

1. At all times relevant, Plaintiff Cheyenne C. Buneta ("Cheyenne") is a citizen and resident of Saint Clair County, Illinois.
2. At all times relevant, Plaintiff Terry Buneta ("Terry") is a citizen and resident of Saint Clair County, Illinois.
3. At all times relevant, Defendant Fairmont City Illinois ("Fairmont"), is a municipality located in Saint Clair County, Illinois.
4. At all times relevant there exists a statute, 740 ILCS 23, known as the Illinois Civil Rights Act of 2003, which prohibits, *inter alia*, any county from utilizing methods of administration that have the effect of subjecting individuals to discrimination because of their race or national origin

5. That Plaintiffs are racially white non-hispanics whose ancestors originated in Europe outside of the Iberian peninsula.
6. That Defendant Fairmont operates a flea market, and leases space to, *inter alia*, Plaintiffs.
7. That Plaintiffs sell, *inter alia*, soap, at said flea market.
8. That most of the competitors of Plaintiffs at said flea market are non-white Hispanics, who are ethnically of Mexican descent, and are likely actually from Mexico.
9. That these competitors include Rojas Vega, Francisco Barajas, Panlino Rosas and Miroslava Juarezda Baragos.
10. That the above listed competitors of Plaintiffs have, all within the previous two years, commit acts of battery and assault upon Plaintiffs.
11. That Plaintiffs have called the Fairmont City police department on several occasions in the previous two years, advising of the foregoing acts of battery and assault, however, the officers of the Fairmont City Police Department refuse to arrest, or even investigate claims of violence by the ethnically Mexican competitors of Plaintiffs, and instead, harass and intimidate Plaintiffs.
12. In fact, on one such call, Defendant Suarez, personally advised that if Plaintiffs called the police again, that they would arrest Plaintiffs, no matter what the facts were.
13. That there exists within the Fairmont City police department a policy, practice and/or custom, of discrimination against Plaintiffs because of their white-non-hispanic ancestry and origin.
14. That as a proximate cause of the foregoing, Plaintiffs have been deprived of their rights under the Illinois Civil Rights Act of 2003.

15. That per the 740 ILCS 23/5(b), Plaintiff is entitled to an award of actual damages, injunctive relief, and per 740 ILCS 23/5(c), attorney fees, costs and other litigation expenses.

WHEREFORE, Plaintiffs humbly request that this Honorable Court enter judgment in their favor, and against Defendant Fairmont City, (1) awarding then actual damages, (2) enjoining Defendant Fairmont City from engaging in the discrimination challenged in this case and (3) awarding Plaintiffs their reasonable attorney fees, costs and other litigation expenses, plus such other, further and different relief as is allowed by law or equity.

COUNT II

- 1 – 3. Plaintiff Cheyenne adopts and incorporates by reference paragraphs 1 through 3, inclusive, of Count I, as though fully restated herein.
4. That Defendant Teresa Suarez (“Suarez”) is a police officer in the employ of Defendant Fairmont, and all conduct of Defendant Suarez was under color of state law.
5. That on July 3, 2016, Defendant Suarez personally arrested Plaintiff Cheyenne alleging disorderly conduct, on the purported basis that Plaintiff Cheyenne “used racial slurs (Mother Fuck, I’m tired of Mexicans, Mexican People, You Die).”
6. That Plaintiff denies using any racial slurs or other alleged comments about Mexicans. However, even if she did, Plaintiff has a fundamental Constitutional right to do so, even if it offends ethnic Mexicans, police officers, or anyone else.
7. That Defendant Suarez is of Mexican descent.
8. That on December 15, 1791, the First Amendment to the U.S. Constitution was ratified, which protected, *inter alia*, freedom of speech.

9. That the First Amendment is incorporated as against the states pursuant to the Fourteenth Amendment.

10. That only the most incompetent or untrained officer would arrest someone for mere offensive speech.

11. As a proximate cause thereof, Plaintiff Cheyenne has been damaged.

WHEREFORE, Plaintiff Cheyenne C. Buneta humbly requests that this Honorable Court enter judgment in her favor, and against Defendant Teresa Suarez, in an amount of compensatory and punitive damages, as well as attorney fees and costs under 42 U.S.C. 1988, all in excess of \$50,000.00.00, plus such other, further and different relief allowed by law.

COUNT III

1 – 5. Plaintiff Cheyenne adopts and incorporates by reference paragraphs 1 through 5, inclusive, of Count II, as though fully restated herein.

6. That Plaintiff denies using any racial slurs or other alleged comments about Mexicans. However, even if she did, offensive language is not a violation of the disorderly conduct statute. *City of Chicago v. Blakemore*, 15 Ill. App.3d 994 (1973).

7. That no reasonable officer that has been properly educated or trained could reasonably believe that offensive language is a violation of the disorderly conduct statute.

8. That in light of the foregoing, Defendant Suarez arrested Plaintiff Cheyenne without probable cause.

9. As a proximate cause thereof, Plaintiff Cheyenne has been damaged.

WHEREFORE, Plaintiff Cheyenne C. Buneta humbly requests that this Honorable Court enter judgment in her favor, and against Defendant Teresa Suarez, in an amount of compensatory and

punitive damages, as well as attorney fees and costs under 42 U.S.C. 1988, all in excess of \$50,000.00.00, plus such other, further and different relief allowed by law.

COUNT IV

- 1 – 3. Plaintiff Cheyenne adopts and incorporates by reference paragraphs 1 through 3, inclusive, of Count I, as though fully restated herein.
4. That at all times relevant (a) Rojas Vega, (b) Francisco Barajas, (c) Panlino Rosas and (d) Miroslava Juarezda Baragos are competitors of Plaintiffs in the soap business at the Fairmont City flea market. Their citizenship is unknown, but is likely either Illinois, Missouri, or the foreign nation of Mexico.
5. That together, Defendants have conspired to together tortuously interfere with Plaintiff's soap business at the Fairmont City flea market, through a pattern and practice of illegal activity, including criminal batteries and criminal assaults on Plaintiffs, intimidation of Plaintiffs' customers, and through use of the local criminal justice system that these Defendants know will not arrest them, but will arrest and harass their victims.
6. That as a proximate cause of the forgoing, Plaintiffs have been damaged in an amount reasonably in excess of \$50,000.00.
7. That due to the Fairmont City Police Department refusing to enforce the laws of Illinois against these Defendants, Plaintiffs have no other adequate remedy at law, except an injunction against these Defendants.

WHEREFORE, Plaintiffs Humbly request that this Honorable Court enter judgment in their favor, and against Defendants (a) Rojas Vega, (b) Francisco Barajas, (c) Panlino Rosas and (d) Miroslava Juarezda Baragos, in an amount in excess of \$50,000.00, in addition to enjoining them

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from committing any criminal acts against Plaintiffs, intimidating or harassing Plaintiffs' customers, or coming within 100 feet of either Plaintiffs, or Plaintiffs' business.

Dated: July 7, 2016

Respectfully Submitted,

By:

Thomas G. Maag #6272640
Maag Law Firm, LLC
22 West Lorena Avenue
Wood River, IL 62095

Phone: 618-216-5291

VILLAGE OF
FAIRMONT CITY, ILLINOIS
2601 NORTH 41ST STREET FAIRMONT CITY, IL, 62201-2205

ALEX J. BREGEN
VILLAGE PRESIDENT

TELEPHONE: (618) 274-4504
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RICHARD D. RAMIREZ
VILLAGE CLERK

**MINUTES OF REGULAR MEETING OF THE PRESIDENT AND BOARD OF
TRUSTEES OF THE VILLAGE OF FAIRMONT CITY HELD ON
WEDNESDAY, AUGUST 3, 2016
4001 COOKSON ROAD
FAIRMONT CITY, ILLINOIS
AT 7:00 P.M.**

President Bregen called the meeting to order followed by the opening prayer and pledge of allegiance.

Clerk Ramirez recorded the attendance. The following were in attendance: Trustees: David Suarez, Hernandez, Munoz, Michael Suarez, Fiudo and Arriola. Also in attendance were Treasurer Abe Aleman, Police Chief/ Administrator, Scott Penny, Fire Chief Robert Allen and Public Works Director Roger Juenger.

A motion to approve the minutes of the previous meeting of July 20, 2016 was made by Michael Suarez and seconded by Munoz. Roll Call Vote: David Suarez, yes; Hernandez, yes; Munoz, yes; Michael Suarez, yes; Fiudo, yes; Arriola, yes.
(Motion Passed)

Treasurer's Report

The treasurer reported a check has been received in the amount of \$35,000.00 for the village share of Illinois State Income Tax.

Treasurer Aleman gave a brief synopsis of the Drug Fine account status and the insurance min/max report.

Mr. Aleman informed those present that due to new auditing guidelines the village auditor, Mark Diak, will be going out of business as a sole proprietor. The treasurer is investigating other accounting firms to fulfill the city's audit requirements.

Treasurer Aleman will be out of town for the next meeting.

The president said he would look into firms the county uses for their audit.

Clerk's Report - No Report

Report of Police Chief

Chief Penny asked for approval to attend a required death investigation seminar sponsored by the coroner's office in the amount of \$575. The class will be held in Fairview Heights.

The motion was made by Michael Suarez and seconded by Fiudo to approve cost of \$575.00 for Chief Penny to attend a death investigation class to be held in Fairview Heights. Roll Call Vote: David Suarez, yes; Hernandez, yes; Munoz, yes; Michael Suarez, yes; Fiudo, yes; Arriola, yes.

(Motion Passed)

Chief Penny gave a brief report concerning the possible litigation for executive session.

Trustee David Suarez had a question regarding derelict cars. Chief Penny said the department is working on it but the problem is, it is endless.

Report of Zoning Administrator - No Report

Report of Fire Chief

Fire Chief Allen presented a plaque to Firefighter Jose Manuel Perez who was elected as People's Choice Firefighter of the year in Southwestern Illinois.

Chief Allen informed those present he, too, will be on vacation for 10 days beginning tomorrow.

Report of the Public Works Director

Public Works Director Juenger reported the department made checks payable to Instituform Technologies and Baxmeyer Construction, who did the Cookson Road Sewer Repair. Instituform was paid in full in the amount of \$59,914.50. Baxmeyer Construction was paid \$11,085.00 and a balance remains of \$30,148.96 to be paid by the village.

The director reported another \$50,000.00 will be available to the village from the grants department in December. He will be investigating if the funds can reimburse the current balance the village will have to pay from the Cookson Road Project.

Director Juenger reported 2 trucks were available for purchase from St. Clair County. The sale of county trucks has been discussed at a previous meeting. The trucks available are two 2007 Ford Rangers at \$500.00 each. The director is junking 4 vehicles that have been out of service for the amount of \$1,000.00 which would cover the cost of the new trucks.

The motion was made by Arriola and seconded by David Suarez to approve the purchase of two 2007 Ford Rangers from St. Clair County in the amount of \$1,000.00. Roll Call Vote: David Suarez, yes; Hernandez, yes; Munoz, yes; Michael Suarez, yes; Fiudo, yes; Arriola, yes.

(Motion Passed)

Committee Reports

Police/Public Safety-Chair-Hernandez - No Report

Economic/Finance, Development, Planning, and Tourism – Chair – Fiudo – No Report

Streets, Sewers, Grounds, Building & Parks – Chair Michael Suarez

Trustee Michael Suarez wanted to commend Trustees Munoz and Arriola for the work they did for the soccer clinic held on July 30, 2016. He described the event as impressive and beautiful. Trustee Arriola informed those present that his contact at Southern Illinois University at Edwardsville would like to host a tournament in Fairmont City.

Public Health & Housing – Chair- Munoz

Trustee Munoz had a question regarding a property located on 45th Street previously approved for demolition by the owner. Mr. Munoz cited it as safety hazard. There was some discussion about how to proceed.

Community Relations & Communications – Chair – Arriola – No Report

Fire Protection – Chair – David Suarez – No Report

President's Report

President Bregen reported Public Works Director Juenger will be attending a meeting at the St. Clair County Courthouse with FEMA (Federal Emergency Management Agency) regarding the new flood plain maps.

The president reported the Caseyville Transfer Station received approval by the Illinois Pollution Control Board. He has not heard if another appeal will be submitted.

President Bregen also reported his contact with the State of Illinois informed him that funds have been received for disbursement of grant money. The required paperwork is being worked on and submission will be as soon as possible.

Mr. Bregen commended Chief Penny for obtaining St. Clair County funding for the current 7 demolition project the village has begun.

President Bregen shared a thank you note received from the Latino Round Table for the city's participation in the Mexican Consulate program.

Public Comment

A local resident wanted to commend and thank the village first responders under the recent storm conditions.

Municipal Bills

A motion that the bills are accepted as presented and authorized for payment was made by Hernandez and seconded by Fiudo. Roll Call Vote: David Suarez, yes; Hernandez, yes; Munoz, yes; Michael Suarez, yes; Fiudo, yes; Arriola, yes.
(Motion Passed)

Closed Executive Session

The motion was made by Michael Suarez and seconded by Munoz to enter into Executive Session to discuss possible litigation. Roll Call Vote: David Suarez, yes; Hernandez, yes; Munoz, yes; Michael Suarez, yes; Fiudo, yes; Arriola, yes.
(Motion Passed) 7:30pm

The motion was made by David Suarez and seconded by Arriola to return to the regular order of business from Close Executive Session. Roll Call Vote: David Suarez, yes; Hernandez, yes; Munoz, yes; Michael Suarez, yes; Fiudo, yes; Arriola, yes.
(Motion Passed) 7:38pm

Adjournment

A motion to adjourn the meeting was made by Michael Suarez and seconded by Fiudo. Roll Call Vote: David Suarez, yes; Hernandez, yes; Munoz, yes; Michael Suarez, yes; Fiudo, yes; Arriola, yes.
(Motion Passed)

The meeting was adjourned.

Respectfully submitted
Richard D. Ramirez
Village Clerk
August 3, 2016