

CITY OF BRAIDWOOD AGENDA
REGULAR MEETING
Tuesday March 26, 2019 @ 7:00pm

Call to Order

Pledge of Allegiance

Roll Call

Public Comment (Comments are limited to no more than 3 minutes per Sect. 2-34(b) of the City's Code of Ord.)

APPROVAL OF MINUTES -Minutes of March 12, 2019

REPORTS BY CITY OFFICIALS

Mayor-

Administrator-

Clerk-

Engineer-

City Attorney-

REPORTS BY CITY COMMISSIONERS

Accounts and Finances-Approve Payment of Bills
-Approve Payroll Expenses

Streets & Public Improvements-

Public Property-

Public Health & Safety

Planning & Zoning-

Closed Session-Discuss Personnel, Pending and/or Imminent Litigation, Collective Bargaining/Labor Relations, Land Acquisition or Review of Closed Session Minutes.
-Actions to be taken following Closed Session

Old Business

New Business

Adjournment

CITY OF BRAIDWOOD
Regular City Council Meeting Minutes
Tuesday, March 26, 2019

Call to Order

Mayor Pro Tem Hibler called the meeting to order at 7:00pm.

Pledge of Allegiance

Mayor Pro Tem Hibler asked everyone to please stand for the Pledge of Allegiance.

Roll Call

Elected Officials present: Commissioner Hibler, Commissioner Hutton, Commissioner Smith and Commissioner Tessler were present. Mayor Vehrs was absent.

Appointed officials present: City Attorney Kopman, City Clerk Sue Grygiel, Chief Ficarello and City Administrator Don Labriola were present. City Engineer Todd Gereaux was absent.

Mayor Pro Tem Hibler advised everyone that Mayor Vehrs wasn't here because he's been at a meeting in Springfield and was delayed in getting back for the meeting tonight.

Public Comment

Opened at 7:01pm.

Andy Galatte, 508 N. Washington. Andy Galatte again questioned Comm. Hutton about the Internal Investigation. He asked him do you admit that this was you in this Investigation. Comm. Hutton said he doesn't admit to anything, he said there are a lot of misconceptions. Andy then said this Investigation was done by the city attorney. Then Comm. Hutton said hold on let me read you a report on that. Andy then said to the attorney him speaking is on his time now. On May 10, 2016 the city council passed an Ordinance to change the city's billing of water/sewer/garbage back to bi-monthly billing, result was the residents were billed every other month. He said due to an administrative error, residents were billed for one month of sewer. This Ordinance was drafted by the city attorney, the city clerk was aware of the procedure. He said due to the nature of the billing the city staff oversees the invoices, past due balances and accounting. No members of the city council, city staff, city accountant or city attorney questioned the billing practice in question regarding shut off of water when residents have past due balances because it is often difficult to find the water meters because of being in locations that cannot be reached from the outside. Since he's been in office, now all contractors are to submit as built drawings which is an important step in finding the boxes to shut water off. The city will also be getting new meters once available. The meters will be read remotely and will be able to shut off and tamper free. Comm. Hutton read recommendations from the 2017-2018 Audit. Andy then said to Comm. Hutton, you're telling me that this Investigation, that the three girls in the office all lied to the attorney when they all said you, Comm. Hutton gave them direction to bill for one out of the two month's. Comm. Hutton said you're missing the last question on that reply, saying he told the girls in the office if you don't know how to do it check with the clerk or Springbrook. Andy said no that's not was said and Comm. Hutton said no you weren't there so you didn't hear what was said. Andy said you're wrong and that he has handed out 300 copies of this Internal Investigation. Comm. Hutton asked how did you get that? Andy said that he FOIA'd it. Comm. Hutton said something that says Confidential you got and Andy said it was a document signed by the city attorney on the front page. Andy said the girls in the office gave you a monthly list of paid and non-paid bills and you then made a decision as to who's water would be shut off and who's wasn't or who's fees would be waived or not. That was your decision Mr. Hutton by this document.

Paul Powell, doesn't currently live in Braidwood but is in process of buying a home down here. Paul had a couple of questions for Comm. Hutton. He said he read the Investigation report and that they talked about

it a couple of weeks ago correct? Comm. Hutton replied yes. His question, it took you 18 months for the billing problem to be discovered is that correct and Comm. Hutton replied yes. During that 18 months as Water Commissioner shouldn't you have been reviewing the dollars received as part of the water bills? Comm. Hutton replied we never raised the rates for 4 years, that's why I never reviewed revenue because it never changed. Paul compared this to his receiving a paycheck and always reviews it even though it doesn't change year over year. Isn't that the job of the commissioner to review both Receivables and Expenditures? Comm. Hutton said his biggest job is expendables because that's what money he has to spend and if he stays within his line item budget he should be ok. If you would of checked billing within that 18 months would this problem of been realized sooner and saving the city hundreds of thousands of dollars? Comm. Hutton said he'll phrase that like I say, if it was caught it should have been caught in Accounting, they do the deposits, the monthly billing. Paul asked the commissioner are you responsible for the Budget? Comm. Hutton said the expenditures yes he is. Paul questioned so you're not responsible for the Receivables? Comm. Hutton said he never has. Paul said that defies logic and the commissioner replied I know it does, I've never looked at the income. Paul said but you are responsible for the income of the water billing as Water Commissioner correct? This is the part that then defies logic. Paul then went on to another question, you said nobody was fired over this is that correct? The commissioner replied correct. Paul then asked who should have been fired? The commissioner replied I don't know and he talked with the Mayor about and it never went any further. Paul said since you're running for Mayor who should have been fired? Comm. Hutton said the Accountant receiving cash. Paul said the Accountant counts money and the commissioner said they're supposed to balance the account. The commissioner said the Accountant should have caught this error on the second billing cycle, whoever is doing the finances. Paul Powell then had questions of the Police Chief with the remainder of his time. He said he FOIA'd documents he was holding, one was a Lease from 2014. This Lease was for (2) squad cars for \$79,000 per car with a Total Lease Payments of \$160,000 with (5) Total Payments of \$31,569.00. He said he wasn't able to find out if there were any other Police squads purchased after that time. This Lease was authorized by Mr. Rulien and Mr. Girot.

Rich Girot, 239 Brian Lane. He questioned about Northpoint. He asked how long this secret stuff with Northpoint been going on, does anyone know? Secret 4-lane highways going in on Will Road, Kennedy Road? Rich said he had a copy of the letter to Diamond and the Braidwood Enterprise Zone. He said this has been going on over a year. Comm. Hutton said this was discussed a year ago and that was the last time it was talked about. Rich said it's still going on, there haven't been any Open Meetings about it, nothing discussed at Council Meetings. Comm. Tessler said all that he was approached about was the fact that the Mayor informed him about a year and a half ago that Diamond and Northpoint wanted to talk to Braidwood because we may have property entertaining to them. Comm. Tessler said that's all he's heard of this. Atty. Kopman then clarified a little further. They were not asking for any property from the city. What they were looking to do is expand the Diamond Enterprise Zone through the city, through Wilmington to get to their Industrial Park in Elwood. There wasn't going to be anything constructive by Northpoint or anybody here. Rich then questioned the Police Chief about a telephone call he got from his neighbor that you were harassing him about his sump pump pumping into the street. He asked the Chief if he talked with any other neighbors at that time? The Chief said he didn't talk to any neighbors about a sump pump. The Chief asked Rich if he was sure it wasn't somebody else that resembled him on the department because he hasn't talked with anyone about their sump pump being pumped into the street. Rich said his neighbor told him it was you. The Chief said he should come in and talk with him if he has a problem. He asked Rich why didn't he come in and talk with me, Rich said because he works. The Chief asked again are you sure it was one of his Police Officers and Rich said it had to be. The Chief asked was he in plain clothes or uniform? He said he was told it was someone from the Police Department. The Chief said he would like to be able to address the person that has that complaint. Then Rich mentioned the Code Enforcement Officer whoever that is. Rich said he will have him contact the Chief personally and the Chief said he would gladly address him.

Bill Rulien, 187 E. Main St. he said in case you're wondering. He said he saw on the Bills List for tonight that \$43,000 is going to Lawyers this month and thought the council may want to address that when it comes to that point in the bill paying process.

Barb Yeadon, 508 W. Main St. She had two questions. First one is for Comm. Smith. Does anyone in your family, relative, grandson, son, daughter have a criminal record for drugs or a criminal record in general? Comm. Smith said I don't know, what are you trying to say? Barb said she's asking if any of your family members have a criminal record? He said not his immediate family, no. He said he has grandkids a long time ago when they were kids that had a record. Barb asked him do you think his Juvenile Record be posted in public for everyone to see? Comm. Smith said he didn't know it was. Barb then said so it's ok for you to do that to someone else? Comm. Smith then said he didn't do anything! She then questioned how much it cost using the city attorney's to get the mistakes, the cheating and the lies and the unlawfulness. It has cost the city and the taxpayers to pay a lawyer to get people out of trouble that made bad judgement errors. Comm. Smith said he wasn't following where she was going. Comm. Smith said we have a law that we're supposed to abide by and said he hasn't broke the law no way. However, your inferring that I didn't hire somebody that was a felon. Then said he will not hire nobody and put them out there on the streets. Barb asked the commissioner who put Wayne Clark's Juvenile record in Berkot's? He said I don't know what you're talking about.

Closed at 7:15pm.

Approval of Minutes

Comm. Hutton made a motion to approve the Regular Minutes of March 12, 2019, seconded by Comm. Smith. Motion approved 4 ayes, 0 nays (Hutton, Smith, Tessler & Mayor Pro Tem Hibler) 1 absent (Vehrs).

REPORTS BY CITY OFFICIALS

Mayor

Absent.

Administrator

Nothing to Report.

City Clerk

Nothing to Report.

Engineer

Absent.

City Attorney

Atty. Kopman advised that Mayor Vehrs isn't here this evening. He had gone down to Springfield at the request of Exelon. They were anticipating having him testify at a Hearing on a Bill regarding the Clean Air Energy Progress Act. The Act is intended to preserve and promote what was started with the Future Energy Jobs Act. Specifically the Clean Energy Progress Act directs the Power Agency to take over responsibility for procuring Clean Generation Capacity on behalf of the residents in Northern Illinois. According to this Release from Exelon, that would guarantee savings for consumers, increase development of new renewable resources like wind and solar. Allowing Illinois Nuclear Plants to continue to sell Clean Capacity into the IEPA procurement and implement reforms to the States competitive retail electricity via natural gas markets that protect consumers from bad actors and misleading business practices. Atty. Kopman's understanding is that they invited the Mayor from communities in which they have Nuclear Generating Stations to be available to them to present testimony on this Bill.

The attorney had a second item. Rita Klover has contacted the city and would like to Annex her property into the city. He said they've been working with her on this and now has a Plat of Annexation that we hope to have an Agreement for the council to consider at the next meeting.

REPORTS BY CITY COMMISSIONERS

Accounts & Finances

Comm. Hibler entertained a motion to pay the total bills due on our Check Register in the amount of \$112,276.56. Comm. Smith made the motion to pay total bills due, seconded by Comm. Hutton. Motion approved with 4 ayes, 0 nays (Smith, Hutton, Tessler & Mayor Pro Tem Hibler) 1 absent (Vehrs).

Comm. Hibler entertained a motion to approved the Payroll Expenses in the amount of \$129,179.26 which includes \$2,541.54 that will be reimbursed by the Braidwood Healthy Coalition. Comm. Smith made a motion to approve the Payroll Expenses in the amount of \$129,179.26, seconded by Comm. Tessler. Motion approved 4 ayes, 0 nays (Smith, Tessler, Hutton & Mayor Pro Tem Hibler) 1 absent (Vehrs).

Streets & Public Improvements

Comm. Smith talked about some flooding problems they have. The street department is going to be pumping out some water all through the night. He said there's a line stopped up and you could row a boat down through there. There are about 12-15 residents homes involved with this flooding and now there's more rain coming and if we don't take care of now these people will have water coming into their homes. Once they've pumped most of water out then they can hopefully get the Vac Truck in their to suck out the rest and open up that water way up. It doesn't matter whose problem this is, it just needs to be resolved now and the city is going to help these taxpayers out.

Public Property

Comm. Hutton gave the Plant Crews report followed by the Outside Crews Report. Sensus was here and held a Training Seminar for the updated MXU's for the guys in the Water Department and city hall staff.

Public Health & Safety

Comm. Tessler gave his numbers report provided by the Chief for the period from 3/12/19- 3/26/19. Their total calls for service for this time period were 233.

Planning & Zoning

April Meeting was cancelled.

Closed Session

No Closed Session requested.

Old Business

Nothing to Report.

New Business

Nothing to Report.

Adjournment

Comm. Tessler made motion to adjourn the Regular Meeting at 7:32pm, seconded by Comm. Hutton. Motion approved with 4 ayes, 0 nays (Tessler, Hutton, Smith & Mayor Pro Tem Hibler) 1 absent (Vehrs).

Approved this 9th day of April 2019

James Vehrs Mayor

Sue Greguil City Clerk

AYES: 4
NAYS: 0
ABSENT: 0
ABSTAIN: 1

