

CITY OF BRAIDWOOD
Agenda
City Council Regular Meeting
Thursday, April 25, 2013, 7:00 p.m.
City Council Chambers

Call to Order
Pledge of Allegiance
Roll Call
Public Comment
Approval of Minutes

April 11, 2013 –Regular Meeting

Reports by City Officials

Mayor

Administrator

Clerk

FOIA Requests Report

Engineer / City Planner

Monthly Report

Motion to Approve Change Order #2 for Layne Christensen Company for Well #5 Rehabilitation

Motion to Approve Change Order #16 for the Wastewater Treatment Plant Expansion Project

City Attorney

An Ordinance Relating to the Duties of Supervisor of Public Works

An Ordinance Amending Section 2-88 of the City of Braidwood Code of Ordinances in relation to the Duties of Commissioners

An Ordinance Creating a Municipal Water Board

Reports by City Commissioners

Accounts and Finances

Payment of Bills

Payroll

Streets and Public Improvements

Public Property

Public Health & Safety

Certified Candidate Eligibility Ranking List

Planning & Zoning Board Report

Braidwood Area Healthy Community Coalition Report

Old Business

New Business

Executive Session to discuss personnel, pending and/or imminent litigation, collective bargaining/labor relations, or land acquisition

Adjournment

CITY OF BRAIDWOOD
City Council Regular Meeting
Thursday, April 25, 2013, 7:00 pm.
City Council Chambers

Call to Order

Mayor Rulien called the meeting to order at 7:00 pm.

Pledge of Allegiance

The Pledge of Allegiance was recited by everyone present.

Roll Call

Elected Officials present: Mayor Bill Rulien, Commissioner of Public Property Jim Hutton, Commissioner of Streets and Public Improvements Danny Graf, Commissioner of Public Health and Safety Eric Tessler, and Commissioner of Accounts and Finances Elena Hibler.

Appointed officials present: City Attorney Scott Pyles, Police Chief /City Administrator Rich Girot, City Engineer Howard Hamilton and City Clerk Lisa Glisson

Public Comment

Jim Vehrs – 160 S. Cook Street, advised he wanted to congratulate Bill on the winning of the election. Mr. Vehrs also wanted to know if his elections signs were picked up with Bills at 5:45 pm the day after the election, he would pick them up where ever they are. Mayor advised not that he knew about.

Angie Hutton – 285 Mitchell Street, advised the council that the middle school called and asked for assistance to let the public know that they are putting on the play Thoroughly Modern Millie and will be hosting a free performance on Friday for the area seniors. Angie reminded council of the Red Carpet Corridor Days, she thanked numerous people who have helped with the planning, advised Neutron is scheduled on Saturday from noon to 1:00 pm., and handed out the geocache flyer, Red Carpet flyer and the picture trading card of the event.

Marvin Tryner – 1121 N. Division Street, advised the ditch needs to be cleaned out, during the flood there were turds floating down the ditch that were dumped from the plant. The last time we had major rain I had 60 Acers under water. The ditch needs to be cleaned out.

Approval of Minutes

The minutes for the April 11, 2013 Regular Meeting were approved as written.

Reports by City Officials

Mayor Rulien complimented the Public Works Department for their performance during the flood, there used to be 13 employees several years ago and now there are only 7. They did a fantastic job, there were still problems in several areas, standing water, plugged and smashed culverts around town, a major problem with Novy Road erosion from Dinosaur Lake, hopefully since it has been declared a disaster area by the state we will look into federal funds to help fix it. We had some sewer backups and flooded crawl spaces. These things can be affected by sump pumps, if you attached it to the sanitary sewer when it fills up there is no place to go but back into your basement so if that is a problem you need to disconnect your pump and let it drain out like it should. We also had some problems with infiltration into the sewer pipes, hopefully we can find some monies in the future to see about relining the pipes to repair that. Then there was the design error where it comes into the sewer plant where we have a 21 inch line and 12 inch line coming into the first manhole, and out of that manhole the engineers that designed the plant ran a 15 inch line, that goes to the next manhole that has a 36 inch line going into it. Mayor advised he has a drawing showing the incorrect piping, our new engineer fortunately found it right away, when the engineers that designed it wrong and the one that watch them build it didn't catch it. Those were the issues with the flooding and we hope to correct that the next time around.

City Administrator Rich Girot advised he has a meeting next week for the developer about Center Street and a meeting with the Mayor of Diamond.

City Clerk Lisa Glisson advised only one addition to the FOIA request by Andy Galatte for the paperwork of the original purchase of 160 N. Railroad and we are still working on the FOIA requests from Joseph J. Henderson for all the certified payrolls from the WWTP construction project that is still ongoing. City Hall is also closing out the fiscal year so anything that needs to get in by the end of the year needs to be to us in the next couple of days and late city stickers notices with the late charge will be going out next week. If anyone contacts someone stating they don't have that vehicle, please have them contact City Hall so we can delete the vehicle from the system.

City Engineer advised that they are working on getting the response to the flood for the Will County EMA office on Monday. There are two change orders that need to be addressed the first for Layne Christensen for a leak that was found on Well #5 after it was put back together.

Mayor Rulien requested a motion to approve Change Order #2 to increase the contract by \$1,310.00 to complete the leak repair. Comm. Hutton made the motion. Seconded by Comm. Graf. The motion was approved with 5 ayes (Hibler, Hutton, Graf, Tessler, Rulien) 0 nays.

City Engineer then reviewed change order #16 for Williams Brothers for the WWTP, it increases the contract by \$119,078.00 and adds 177 days to the contract.

Mayor Rulien requested a motion to approve Change Order #16 to increase the contract by \$119,078.00 and add 177 days. Comm. Hutton made the motion. Seconded by Comm. Hibler. The motion was approved with 5 ayes (Hibler, Hutton, Graf, Tessler, Rulien) 0 nays.

City Attorney Scott Pyles reported that several months ago we updated our city web site and we had the ordinance book updated and codified which included all the city ordinances brought

current from the last five years. Since that time, I have been reviewing the ordinances on the instructions of the Mayor to make revisions to the chapters where we need, we have already updated some of the ordinances to include for example the prevailing wage ordinance, we put in standards for purchasing and contracts. The updates continue this week with three different changes. The first is the ordinance that relates to the duties of the Public Works Supervisor. It has been discussed that it is probably in the best interest in the City to make a change to the supervisor of the public works department. Currently there are two persons, there is the supervisor of public works and the water and sewer operator and they are divided. In the past the supervisor of public works, supervised the entire group of people to help the sliding scale of the employees with the distribution of work between the departments. Having one person supervise the entire department, so that the schedules can be worked with greater coordination between streets, water and sewer plant there needs to be a simplified procedure. The change in the first ordinance eliminates the exception of the water and sewer plant operator and his assistants and returns it to what it was before it was amended, which is in paragraph 1 Sec. 2-101 the change is: The general supervisor authority over all employees of the department of streets and alleys and the department of public buildings and property, then there was a paragraph excepting out the sewer/water plant operator and his assistance, that language has been stricken out, so that will allow the Supervisor of Public Works to supervisor all the employees, to help that sliding scale to improve efficiency in the public works department.

Mayor Rulien requested a motion to approve ordinance 13-8 An Ordinance Amending the Duties of the Supervisor of Public Works and Water and Sewer Plant Operator. Comm. Graf made the motion. Seconded by Comm. Tessler. Discussion: Comm. Hutton stated so basically what we're doing is Aubrey is over everybody? Mayor stated right. Rob Grivetti stated, "He doesn't have any licenses he can't be over the operators." The Mayor advised that is not necessarily true, I was told we have a safety meeting every Monday morning with the department he runs, however since I have been here there has not been a safety meeting, we need to bring the department together to work as a team, that is my position on it. That doesn't mean that Aubrey is going to tell the sewer plant or water plant operator how to operate the plants, we are going to coordinate the efforts of the department. Mr. Vehrs spoke out for the audience, wanting to know if Aubrey was going to go back to the 150, Mayor Rulien advised he cannot take comments as public comment was early. Comm. Hutton stated I'll ask that question then, "Is he going to transfer to 150?" Mayor Rulien advised, "No, he cannot, he is the supervisor, the public works department they do not want the supervisor in 150." Comm. Hutton, "Did you check with 150?" Mayor Rulien advised, "That was done before, that's why he is in the union he is in." Comm. Hutton, "No, he chose not to be in 150." Mayor advised, "Well, either way, it doesn't matter to me which union he is in as long as he is in the union." Comm. Hutton advised as long he doesn't have conflict with them, then my next question, Aubrey's gonna work for Danny then right? Attorney Scott Pyles advised the ordinance does indicate that already. Mayor advised, "Aubrey already does work for Danny." Comm. Hutton stated, "Then I will switch his salary over to the street department effective tomorrow." Mayor Rulien advised, "That is not the way it works Jim." Attorney stated going back to what is in the ordinance now, the supervisor of public works shall perform his duties as an employee of both the department of streets and alley and the department of public buildings and property and in addition to any duties imposed from time to time by the Commissioners of both." So both Commissioners supervise the Supervisor of Public Works, that's not changing and that is what has been there. Comm. Hutton asked then why are

we changing what we had on the books already? Attorney advised it is his understanding that there has been some problems sometimes with the job shifting, my understanding is we need to have a simplified chain of command and that is what this ordinance provides and this is the way it was before this was amended and we have had a sewer and water plant for over 30 years, the supervisor of public works was over the entire group, all were doing is going back to the way it was to fix a problem that has cropped up. Mayor advised to call the roll. The motion was approved with 4 ayes (Hibler, Graf, Tessler, Rulien) 1 nays (Hutton).

Attorney Scott Pyles moved to the next ordinance relating to Sec 2-88 regarding the section of the Commissioners. Attorney relayed the changes one by one per commissioner:

Accounts and Finances:

- 1) Removed supervise the finance director, since there is no finance director, that was eliminated and replaced it with office of city treasurer an office we re-instated several years ago, to take the place and take over some of the duties of the finance director . This is now more current, the commissioner of accounts and finance continues to supervisor the office of city treasurer which is essentially the official that keeps track of the money, which is more consistent with what the statue is.

Public Health and Safety:

- 1) Removed supervise, suspend or terminate emergency dispatchers, as we no longer have dispatchers but you still see the contracting for emergency dispatching as it relates to servicing for that, but not suspending or terminating of dispatchers.

Streets and Public Improvements:

- 1) Paragraph 4 deleted the language as it relates to all matters relating to streets and sidewalks, I passed out state statue earlier to the commissioners, the commissioner of streets and public improvements is by statue the ex-officio commissioner of public works. That language is in the ordinance but the demarcation between the commissioner of streets & public improvements and the commissioner of public properties, it is inconsistent for there to be such a hard division. The commissioner of the streets & public improvements is by statue the ex-officio commissioner of public works. I passed to the council the state statute that defines what a public works is. A public work is anything that is constructed by the City, in terms of the roads, the ditches and also the water and sewer plants as those are part of the public works they are the commissioner of streets and public improvements, by statue has some role with regard to the operation of all of the public works in the city by virtue of state statue, in looking at the way the ordinance was written, I went back and had the clerk pull the history of the various ordinances that have been in place. It is my opinion, to be consistent with what is in the municipal code to with regard to the commission form of government to strike out the language that has a clear demarcation between the streets and public improvements and the commissioner of public property, by virtue of the state statue. So I've stricken out the language regarding all matters relating to the streets because it unduly restricts the duties of the commissioner of streets and public improvements as he is the ex-officio of public works.

Commissioner of Public Property

- 1) In regards to the commissioner of public properties in paragraph 4 I have struck out all matters regarding water, sewer plant and facilities, again that language to me is inconsistent with the Illinois state statue with regarding the commissioner of streets and public improvements is the ex-officio commissioner of public works.

This change does not change the duties of the various commissioners the duties section in paragraph 1 and 2 of each of the descriptions the Streets and Public Improvements Commissioner is still the Superintendent of the Street Department and all matters pertaining to streets and alleys and so forth. Public Property Commissioner is still supervising the water and sanitary sewer department and all realastate. I struck out the more encompassing language because I think that each of the commissioners they supervise a common department meaning the public works there is some overlap in each of the departments and to that certain extent the two commissioners are sharing essentially a group of employees to perform work. Each of those workers are going to stay in their designated slots but the demarcation in paragraph 4, regarding each of the commissioners, I think is contrary to what is in the Municipal Code with regards to what the various duties and various jobs of what the commissioners are and those are essentially changes that are made to each of your positions and I think those changes are consistent with our current ordinances and they are also consistent with the Illinois Municipal Code. Attorney Pyles asked if anyone had any further questions? Jim Hutton, Danny is in charge of Public Works correct? Pyles, Danny, according to the Illinois State Statue he is the ex-officio Commissioner of Public Works and it's not defined in the statue of what the ex-officio Commissioner is but what it does seem to suggest that the change in the Ordinance where it gives one Commissioner an entire say so over the entire water sewer plant seems to be inconsistent with what is in the statue and that why I made the change that I did. I'm not changing the duties of each of the Commissioners but I think that the language that was added in an amendment back in the last administration, I believe is inconsistent with the state statue which requires the Commissioners of Streets and Public improvements be the ex-officio Commissioner of Public Works. Hutton asked Pyles if he had checked with anybody in Springfield? Pyles answered I did not. I can read the statue book and I am fully qualified and having represented the city back in the 90's and have represented the city in the last 2 years, I feel comfortable that this change is consistent with the Illinois state law. Jim asked why we didn't make the change 20 years ago? Pyles stated he didn't know what was done 20 years ago, the ordinances that he had did not go back as far as it did. All he can say is that the Municipal Code over the years have under gone several amendments and we need to be in compliance with what the Illinois State Statue says today. Hutton asked, Danny is in charge of the Street Department, I'm in charge of the water department, correct? Pyles answered that is true, each of the Commissioners has a Superintendent status of their various departments and again the descriptions that are changed do not change that. Hutton replied that he handles the three people he has working the street department and I handle the 5 working in the water department, correct? Pyles stated, you are still (I want to be clear) you supervise the conduct of the water and sanitary sewer department. In paragraph 4, higher, promote, demote, suspend and terminate, otherwise control the work of the water and sewer plant operator, the superintendent of water and all employees who exercise duty for the water and sewer departments. Hutton stated, Danny has three employees and I have the other 5, correct? Pyles stated the Commissioner of Streets and Public Improvements in paragraph 4 G, higher promote, demote, suspend, and terminate otherwise control the work of

the supervisor of public works and all employees to exercise duties for the Street Department. That again has not been changed. Hutton stated he's correct then right? Pyles said he just indicated what is in there and your basic question is yes. Hutton said that was all he needed. Pyles asked if there were any other questions?

Mayor Rulien requested a motion to approve ordinance 13-9 An Ordinance Amending Section 2-88 of the Code of Ordinances Relating to Commissioners. Comm. Tessler made the motion. Seconded by Comm. Hibler. Discussion above. Mayor advised to call the roll. The motion was approved with 4 ayes (Hibler, Graf, Tessler, Rulien) 1 nays (Hutton).

Reports by City Commissioners

Comm. Hibler moved to pay \$618,101.79 in bills. Comm. Graf seconded. The motion was approved with 5 ayes (Hibler, Hutton, Graf, Tessler, Rulien) 0 nays.

Comm. Hibler moved to pay \$63,846.25 in payroll. Comm. Hutton seconded. The motion was approved with 5 ayes (Hibler, Hutton, Graf, Tessler, Rulien) 0 nays.

Commissioner of Streets and Public (Comm. Graf) – commented on all the rain the other day, it showed the problems we have especially at Novy Road, we are going to work on getting a grant to fix Novy Road.

Commissioner of Public Properties (Comm. Hutton) read his bi-weekly reports from the outside crew and the plant crew, advised new plant handled well good just had a problem in front of the plant, Monday the Fire Alarm Inspections will be done in the plant and a hydrant was hit on Will Road, knocked 50 feet we lost 236 thousand gallons of water and the guys were out at 2:30 in the morning to fix it.

Commissioner of Public Health & Safety (Comm. Tessler) presented the certified candidate eligibility ranking list and thanked Donn Zinnel, Noreen Brandle and Todd Lyons for doing the interviews and composing the hiring list for us. Hopefully we can hire some of these people this year to fill some of the voids we have.

Comm. Tessler moved to accept the Certified Eligibility List. Comm. Hibler seconded. The motion was approved with 5 ayes (Hibler, Hutton, Graf, Tessler, Rulien) 0 nays.

Comm. Tessler read a press release regarding arrests from the end of April, advised there are pictures from the presentation of Eddie Eagle at the school, and May is Seatbelt Safety Month, click it or ticket.

Chief Girot spoke regarding the passage by the Illinois Senate for Medical Marijuana and the possible effects to the war on drugs in Illinois, pointing out we are working in the schools in the 6th grade to keep kids off drugs and now will have to deal with why mom or dad are using it medically. The battle on drugs is just being made harder to combat with the passage of this bill.

Planning and Zoning

Michelle Serena advised the next meeting is on May 6, 2013, which will also have 2 public hearings and a continuation.

Braidwood Area Healthy Community Coalition

Sandy Fletcher the President of the Coalition agreed with the Chief regarding the recent approval by the Senate for medical marijuana, advised the coalition grant is for combating alcohol in the area and reported upcoming events the coalition is working on.

Pam Dell'Aquila a member of the coalition reported on the grant that they are working with and what is being done, and requested anyone who is interested in helping out to come join them.

City Attorney asked the Chief if they are non-profit we have a lot of people in local court for alcohol related offenses that we can send to them for community service. Chief advised we need waivers from the parents but then they can work off the service instead of fines. Attorney advised that may have more of an impact in changing lives.

Mayor Rulien advised Peotone is now also included in our coalition and they had a meeting this week with them.

Executive Session

Mayor Rulien asked for a motion to enter into executive session to discuss personnel and pending litigation. Comm. Hutton made that motion, seconded by Comm. Tessler. The motion was approved with 5 ayes (Hibler, Hutton, Graf, Tessler, Rulien) 0 nays.

Mayor Rulien also requested Rob Grivetti and Howard Hamilton to executive session.

Roll call at 8:46 pm returned from Executive Session

Adjournment

Mayor Rulien asked for a motion to adjourn. Comm. Hutton made that motion, seconded by Comm. Hibler. The motion was approved with 5 ayes (Hibler, Hutton, Graf, Tessler, Rulien) 0 nays.

Approved this 14 day of May 2013

Will Rulien Mayor

Lisa Agleson City Clerk