

Committee Members:
Josh Frawley
Anthony LeFlore
Pat Baeske
Pat Peck
Denise Williams

A G E N D A
OPERATIONS COMMITTEE

Wednesday, December 2, 2020

7:00 p.m.

Recreation Room at City Hall

(Door entrance is on the south end of the City Hall Bldg.

Parking behind the Police Department)

10025 Bunkum Road

Fairview Heights, IL 62208

or

via Webex or conference call

Phone Number: 1-650-215-5226 Access Code: 175 166 4531

Public Participation

Approval of Minutes – [November 4, 2020](#)

Personnel

Alderman Denise Williams, Chairman

1. [Aldermen - Meeting Attendance](#)

Public Services

Alderman Pat Baeske, Chairman

1. [Director's Report/Project Updates](#)

THE CITY OF FAIRVIEW HEIGHTS

**OPERATIONS COMMITTEE MINUTES
Wednesday, November 4, 2020, 7:30 p.m.
Fairview Heights Recreation Room
Video Conference/Tele Conference
Fairview Heights, IL**

Committee Members in attendance – Aldermen Josh Frawley, Anthony LeFlore, Pat Baeske, Pat Peck, Mayor Mark Kupsky, Ex-officio

Committee Members absent – Alderman Denise Williams

Other Aldermen and Elected Officials in attendance – Aldermen Frank Menn, Ryan Vickers, Brenda Wagner, Harry Zimmerman, Bill Poletti

Staff in attendance – Public Works Director John Harty, City Clerk Karen Kaufhold, City Attorney Garrett Hoerner, Finance Director Gina Rader, Human Resource Manager Becky Thompson

Recorder – Jill Huffman

Public Participation

None

Approval of Minutes, July 8, 2020

Motion and second to approve minutes were made by Aldermen Baeske/Peck. Roll call vote - Frawley, Leflore, Baeske, Peck, voted yes; Williams absent. The motion carried by voice vote and was unanimous.

Personnel Committee

Denise Williams, Chairman (absent)

ALDERMEN MEETING ATTENDANCE

Alderman Peck reported on Elected Officials attendance at City Council meetings and read verbiage from the Fairview Heights City Code, Article III – Official Salaries & Positions, 3-3-2, Salaries – Elected Officials. Alderman Peck wants everyone to realize this is in the City's Code. It was stated that if an Elected Official is not present at a meeting, you are not doing your job, not representing people of your ward, and not representing the people of Fairview Heights. Up until the publication of this Agenda, the City has completed six months of the fiscal year, meaning 12 city council meetings. Alderman Peck requested clarification from the City Attorney as the Code reads that "An Official shall be paid if...", but the Codes does not state what the consequences are if "An Elected Official shall be permitted no more than two (2) unexcused

absences...” The response received is that there are three options: one, is that Elected Officials can be paid per meeting attended; second, is a fine paid to the City by the Elected Official for not attending the meeting; and third, public censure where the Elected Official is publically embarrassed and put on record.

It was stated that the aldermen need to check themselves and pointed out there are five alderman who have not missed a meeting since the beginning of May – the beginning of the fiscal year. There are two aldermen who have missed one meeting, two have missed two meetings, and one aldermen who has missed three meetings which is one fourth, or 25 percent of the meetings in six months. Alderman Peck stated she would like it to be clear, in the City's Code, what the consequence is for missing meetings. It was stated that with the state of the City's tight budget and the laying off of employees, the Elected Officials' pay has not been touched. If the City Officials are not fulfilling their obligation they should have to pay.

It was discussed that perhaps censure and a fine for not attending meetings could be the consequence. The City Attorney was directed the question to which he replied that there is nothing to prevent the City from having both censure and a fine. A public censure is an admonishment for not fulfilling the obligation of attendance. This would not be included in an Ordinance. However, if the City would deduct pay or financial circumstances of an alderman, it should be memorialized in the Code.

It was stated if a fine is enforced or money is due a City and not paid by the Elected Official, according to State Statues, the Elected Official would be removed from office. Discussion ensued and Alderman Peck read from the Illinois State Statutes related to money owed to a municipality and the ability to continue to hold an office or run for an office.

Alderman Menn stated he has two planned trips for next year. The Mayor stated that an excused absence would be that either he or the City Clerk should be notified if an absence is anticipated, i.e. out-of-town business trip, illness, family vacation. An unexcused absence is if there were no notification and not attending a meeting. Alderman Peck stated the City's Code does not include family vacation as an excused absence. The Mayor stated that in the City's past practice, vacations have been excused. Alderman Peck stated that Elected Officials are permitted two unexcused absences from meetings.

The Mayor stated that we may want to consider continuing attending meetings virtually. Alderman Peck is referring to the current City Code and as legislators, Council has the ability to change the Code. The Mayor stated that if Council does review this issue for City Council meetings, he would suggest also they review attendance for Committee meetings as aldermen are appointed and have not attended Committee meetings.

The Mayor commented that the language in the City's Code needs to be cleaned up. If an Elected Official is knowingly going to be absent, he or the City Clerk should be notified. Also, Council should consider reviewing attendance at Committee Meetings as well as the other standing committees. The Mayor stated that the Elected Officials for the City of Fairview Heights is not based on the amount of meeting attended.

Alderman Poletti relayed that the Code states two unexcused absences and asked the City Attorney if this is determined by a higher authority. The City Attorney stated the number two unexcused absences was established by the City. The City would have to abide by the State's codes on how to adjust the Elected Official's salaries. Discussion again ensued regarding debt

owed to a municipality by an Elected Official. The City Attorney will email to Council the portion of the State Statutes addressing this issue.

Alderman Peck suggests that the Elected Officials are paid per meeting attendance. The Mayor stated, per the State Statutes, compensation could not be changed until after the next municipal election and then would apply to those elected at the next municipal election. Alderman Peck stated that the amount of compensation is not changing; the verbiage would be changed to state the consequences of missing meetings. The Mayor stated staff would have to take attendance for every meeting. The Mayor suggested that the verbiage be changed to state that an Elected Official with more than two unexcused absences of a City Council meeting shall forfeit their pay for the meeting at the rate of one-half of their monthly pay.

Alderman Peck requests that the Code be defined to state what is meant by immediate family. The Mayor stated the City has two versions - a definition for contract employees and definition for noncontract employees. The Mayor stated, typically, immediate family includes spouse, son, daughter, stepson, stepdaughter, mother, father, aunt, uncle. Alderman Peck questioned the City Attorney if it would be acceptable to change the language, as the Mayor suggested, who replied not to change the amount of compensation but could change the amount of unexcused absences, what constitutes an excused absence, and the consequence for missing a meeting.

Alderman Frawley asked if there would be a timeline for contacting the Mayor for being absent to which the Mayor stated that common sense should prevail.

Alderman Peck will compose language to add/change the City Code 3-3-2 regarding meeting attendance and present at the next Operations Committee meeting.

Public Services Committee

Alderman Pat Baeske, Chairman

SALEM PLACE SIDEWALK – IDOT MAINTENANCE AGREEMENT

The Director of Public Works stated that earlier this year, a gentleman representing a group, the Coalition for Life, contacted the City regarding placing a sidewalk at 317 Salem Place which is the Planned Parenthood facility. The City relayed to the gentleman that the property belongs to the State of Illinois and he would need to follow their permit process. The gentleman had plans drawn for the sidewalk and talked with the State who told this gentleman that the City would have to enter into a Maintenance Agreement and be included on the Highway Permit. The organization would engineer, build, and pay for the installation of the sidewalk.

The Director is asking if the City wants to assume the maintenance of 300 feet of sidewalk and drainage features which does not serve a purpose other than going from one parking lot to another parking lot and does not connect to any other sidewalks. The sidewalk would serve the protestors. The Director stated that the State will not enter into an agreement with an organization or individual for the maintenance of the sidewalk on State right-of-way; only with another governmental agency. Discussion ensued.

The Director stated there is a draft permit attached to the Agenda which shows the City of Fairview Heights as co-applicant; however, if the City does not execute, the application will be null and void.

Discussed that the grass the informational group is walking on is slick and dangerous and that the City should explore the costs that would be incurred by the City for the installation of the sidewalk. The Mayor reiterated that the cost of the sidewalk would be paid by the Coalition for Life, the City would be responsible for the lifelong maintenance of the sidewalk, i.e. concrete, drainage pipes, and assume liability should someone be injured on the sidewalk. It was discussed if someone from the organization would fall as the site is today, the City would not be responsible as this is State right-of-way, however if something would happen, it would be the City's reputation.

Discussed that if the project is constructed to specifications, it would be 10 years or more before major maintenance would be required. Also discussed, that perhaps an escrow could be established with the organization for maintenance.

Discussed the liability placed upon the City should a person walking on the sidewalk be hit. The City Attorney relayed that the City would need to assure proper maintenance of the sidewalk, however, the City would probably be involved should an incident happen. The City Attorney further relayed that if the City does not sign as co-applicant, a sidewalk will not be built, therefore, the City does not assume any involvement. He stated that if the City signs the application the City would assume the maintenance obligation and the reason the State does this is that assures long-term maintenance wherein they have no guarantee with a private entity.

Chairman Baeske questioned who, on the Committee, is interested on assuming the liability of installing a sidewalk besides, Aldermen Zimmerman and Poletti. It was questioned if tents would be allowed on the sidewalk where people cannot walk around them, and if this would be a six-foot wide sidewalk? The Director stated that the State will allow a maximum width of five feet for sidewalk installation.

It was questioned how many accidents have occurred at this location to which the Director replied he would have to obtain that information from the Police Department, however, at the other side of the highway, there have been approximately six accidents where the fence has been knocked down in the last six years.

It was discussed that the south side of the sidewalk would connect to a private parking lot and questioned if permission has been granted to do this, and if the City allows this, is the City prompting offsite parking at a private location. This needs to be investigated.

The Director of Public Works was questioned of his opinion of the matter to which he replied of the philosophy that he cannot see past the right-of-way and don't go on private property. His concerns are: this is not a good site for a sidewalk, it is not City property, it is not our responsibility to maintain, and if this would be precedent setting expecting the City to do this elsewhere.

The Chairman stated information was distributed to everyone concerning this matter and she is asking for consensus from Committee to forward to City Council. The Mayor stated if there is an interest, legislation would be forwarded to City Council to initiate a maintenance agreement. If accepted, this would be provided to the State, who would notify the Coalition and it would be their decision to proceed with building the sidewalk. The Coalition cannot proceed with the construction of the sidewalk if the City does not accept maintenance.

It was discussed if the sidewalk is installed and maintained by the City, the City would also assume grass maintenance around the 300-foot sidewalk. It was stated that it has been discussed of reducing aldermen's pay and now we are discussing providing money for maintenance of the grass at this sidewalk, plus this is not flat ground to maintain.

Motion and second to send to City Council with the recommendation of the City not to execute the Highway Permit as co-applicant for construction of a sidewalk along the Illinois Department of Transportation's right-of-way at 317 Salem Place by Frawley/Peck. Discussion: It was questioned if this is forwarded to City Council, will this project proceed to which the Director replied that the City can satisfy the provisions of the Highway Permit as co-applicant, but have we satisfied our agreement with the organization with the right of public access. It was questioned if the City could request the organization to maintain the grass to which the Director replied this could be stated on the Permit if the City signs as co-applicant. Roll call vote - Frawley, LeFlore, Baeske, Peck voted yes; Williams absent. The motion carried by voice vote and was unanimous.

DIRECTOR'S REPORT – PROJECT UPDATES

The Director of Public Works presented his written report to the elected officials for their review.

The Director stated that the volume of calls received by the Department regarding single-source trash has decreased. The Mayor stated that the Director compiled a list of Frequently Asked Questions and is attached to the Director's Report. He stated that Council should refer constituents to the City's website for information. The Mayor stated his office has received positive comments regarding the implementation of single-source trash hauling. The Mayor thanked the Public Works Department for handling calls from the public. The Director stated that in some areas of the City, there was confusion as to the City's (Aspen) responsibility or that of another municipality; which has been rectified.

Adjournment 9:15 p.m.

Submitted By:

Recorder

Article III, Section 3-3-2

Current wording:

All elected and appointed part-time City Officials shall be paid monthly. Effective May 1, 1999, elected officials will be paid on or about the twentieth (20th) of each month.

In case of death, the elected official's salary for the month in which the death occurred, shall be paid to the estate of the elected official. An Elected Official shall be permitted no more than two (2) unexcused absences from City Council meetings per fiscal year. An Official shall be paid if absence from City Council meeting is caused by illness of the Official, serious illness of a member of the Official's family, a death in the Official's immediate family, or a temporary change in the Official's work schedule which affects the Official's private employment. (65 ILCS 5/3.1-50-5, 5/3.1-50-10 and 5/3.1-50-15)

Proposed wording:

All elected and appointed part-time City Officials shall be paid monthly. Effective May 1, 1999, elected officials will be paid on or about the twentieth (20th) of the month. In the case of death, the elected official's salary for the month in which the death occurred, shall be paid to the estate of the elected official.

Officials should notify the Mayor as far in advance of a City Council meeting as possible of any expected absence or up to 24 hours following an unexpected absence. If notification is past the 24 hour timeline, the absence will be counted as unexcused.

An Elected Official shall be permitted no more than two (2) unexcused absences from City Council meetings per fiscal year. An Official shall be paid if absence from City Council meeting is caused by illness of the Official, a serious illness of a member of the Official's immediate family, a death of an Official's family member, or a temporary change in the Official's work schedule which affects the Official's private employment. (65 ILCS 5/3.1-50-5, 5/3.1-50-10 and 5/3.1-50-15)

For the purpose of this policy, "immediate family member" shall be defined as spouse, daughter, son, mother, father, stepdaughter, and stepson. "Family member" shall be defined as stepparent, brother, stepbrother, sister, stepsister, mother-in-law, father-in-law, sister-in-law, brother-in-law, grandparents, grandparents-in-law, grandchild and step grandchild.

Effective May 1, 2021, any unexcused absence in excess of those allowed shall forfeit one half (1/2) of their monthly pay for each meeting missed. If a City Council meeting is cancelled, no official will incur a penalty. The Mayor will notify the Finance Director monthly in writing or via email of any excess unexcused absences in order to make payroll adjustments.

Memo

To: Elected Officials
From: John Harty-Director of Public Works 
CC: Directors
Date: November 30, 2020
Re: Public Works Director's Report

Director's Report - Project Updates

Union Hill/Longacre Signals

The retaining wall was damaged in the early morning hours of October 25 by a motorist that veered off the roadway during a right turn motion from northbound Union Hill on to Longacre. The Police Department has provided me with a copy of the report and as soon as the repair estimate is received the documents will be sent to the Clerk's Department for insurance processing. The driver's insurance will fund the repair.

As an update to above, last week this Department received an estimate to repair the damaged wall and has sent that estimate to the Clerk's Department to be processed by the motorist's insurance company. As soon as we receive compensation, the wall repair work will be scheduled.

Single Source Trash Hauling – Aspen Waste

This will likely be the last update associated with Aspen Waste as the process has appeared to level off and customer complaints and concerns have become less numerous. The Department received an average of a couple calls a week on trash hauling. The concerns are primarily procedural such as how many yard waste bags or large item pickup.

Ameren Street Light LED Upgrade

Ameren has contacted the City relaying that they are interested in upgrading the City's street lights to LED bulbs. They are planning on changing the lights on one hundred poles. Ameren requested locations where to install the upgraded bulbs, to which I responded to the west of Bunkum Road, the more rural part of town. This work is scheduled for the early to middle portion of 2021. Ameren will contact the City with a more definite date as the time approaches.

Ameren Franchise Agreements

Ameren has provided the City updated Franchise Agreements for gas and electric as they are due for negotiation and extension. The term for consideration is twenty years with an offer of annual cash payments in lieu of discounted electric and gas service. The City Attorney and I are currently reviewing the agreements which will be presented at a future Public Works Committee meeting.

Market Place Streetscape-Phase 2

The construction of the proposed roundabout at Commerce Lane and Market Place has been delayed, by budget process, until the next budget year, as well as all of the projects residing on the Capital Improvements Plan. In halting the project because of valid budgetary concerns, preliminary engineering and IDOT plan submittal were postponed. The property and easements have been secured, but there is additional engineering work to be done.

The Temporary Construction Easements, for which the City paid \$35,395.00 to acquire, will expire in 2022, the earliest in February of that year. Should the project not be constructed in the next budget year, the City will have to renegotiate those easements and could possibly be required to purchase them again.

In order to construct in FY 2021-2022, the engineering work would need to be completed in the current fiscal year, but the project has not been funded. The City is due a \$32,000.00 reimbursement from IDOT for the property acquisition associated with this project. This reimbursement could more than cover the costs for the completion of necessary engineering. A budget amendment would be necessary, and when the funds are received, this issue will be presented at a Finance Committee meeting in order to fund the TIF 3, Lincoln Trail, account.