

THE CITY OF FAIRVIEW HEIGHTS
OPERATIONS COMMITTEE MINUTES
Wednesday, March 4, 2020, 7:00 p.m.
City Council Chambers
10025 Bunkum Road, Fairview Heights, IL

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

Committee Members absent – None

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

Staff in attendance – Public Works Director John Harty, Library Director Jill Pifer, Police Lt. Jim Krummrich, Human Resource Manager Becky Thompson, and City Attorney Andrew Hoerner

Recorder – Jill Huffman

Public Participation

None

Approval of Minutes, February 5, 2020

Motion and second to approve minutes were made by Aldermen Peck/Williams. The motion carried by voice vote and was unanimous.

Public Services Committee

Alderman Pat Baeske, Chairman

The Director of Public Works relayed that all of the items listed for Public Services are related to the Market Place Streetscape, Phase II project, in particular, property acquisition necessary to construct a roundabout at the intersection of Market Place and Commerce Lane.

As a provision to Federal Funding, a State-approved negotiator and appraiser negotiated the costs as shown in the Agenda package. The funding for this project resides in the TIF 3 budget, and all of these costs combined were considered when the budget was created last year. A Federal reimbursement of \$32,000 will be received by the City and payments deposited into TIF 3.

The Director is requesting to finalize the acquisitions at the next City Council meeting in order to be on the IDOT June letting as the roundabout construction will begin this year. Therefore, the Ordinances will need to be moved to the second reading. The Director stated that any verbiage

that has right-of-way associated with it is an Ordinance, and anything that has temporary construction easement associated with it is a Resolution. Presented to Committee tonight are three Ordinances and three Resolutions. The Mayor stated this legislation could be presented as omnibus at City Council.

The Director presented exhibits showing the areas where the City will be acquiring temporary construction easement and right-of-way.

The Ordinance for right-of-way located on the northwest quadrant of the intersection (Weekends Only), owned by H&S, was approved at last night's City Council meeting.

MARKET PLACE STREETSCAPE, II, BELL-KEY, LLC – TEMPORARY CONSTRUCTION EASEMENT and MARKET PLACE STREETSCAPE, II, BELL-KEY, LLC – RIGHT-OF-WAY ACQUISITION

This property is located on the northeast quadrant (Hooter's) and owned by Bell-Key LLC. Bell-Key has agreed with the appraiser for \$13,700 for the temporary construction easement and \$20,300 for the purchase of right-of-way. These costs are higher than paid to H&S for the northwest quadrant, however, a larger amount of property is involved.

It was questioned if this easement/right-of-way purchase would affect Hooter's parking lot to which the Director replied no, but a small retention pond will have to be addressed.

It was questioned about the retention area and what accommodations are going to be made for a rain/storm situation to which the Director replied the detention will be shifted to the east. The Director stated that the vicinity never provides a flooding issue.

Motion and second to forward a Resolution to City Council with recommendation of approval the purchase of temporary easement from Bell-Key, LLC for \$13,780 for the construction of Market Place Streetscape, Phase II by Aldermen Peck/Williams. The motion carried by voice vote and was unanimous.

Motion and second to forward an Ordinance to City Council with recommendation of approval the purchase of right-of-way from Bell-Key, LLC for \$20,300 for the construction of Market Place Streetscape, Phase II by Aldermen Peck/Williams. The motion carried by voice vote and was unanimous.

MARKET PLACE STREETSCAPE, II, SPIRIT MASTER – TEMPORARY CONSTRUCTION EASEMENT and MARKET PLACE STREETSCAPE, II, SPIRIT MASTER – RIGHT-OF-WAY ACQUISITION

This property is located on the southwest quadrant (Old Time Pottery) and owned by Spirit Master Funding, IV, LLC. Spirit Master has agreed to be compensated \$5,140 for the temporary construction easement and \$19,600 for the purchase of right-of-way. The project does not affect Old Time Pottery's parking. An existing rear entrance will be sustained at the owner's request.

Motion and second to forward a Resolution to City Council with recommendation of approval the purchase of temporary easement from Spirit Master Funding, IV, LLC for \$5,140 for the

construction of Market Place Streetscape, Phase II by Aldermen Williams/Peck. The motion carried by voice vote and was unanimous.

Motion and second to forward an Ordinance to City Council with recommendation of approval the purchase of right-of-way from Spirit Master Funding, IV, LLC for \$19,600 for the construction of Market Place Streetscape, Phase II by Aldermen Williams/Peck. The motion carried by voice vote and was unanimous.

MARKET PLACE STREETScape, II, NOVUS – TEMPORARY CONSTRUCTION EASEMENT and MARKET PLACE STREETScape, II, NOVUS – RIGHT-OF-WAY ACQUISITION

The remaining property is located in the southeast quadrant (Party City/Joann Fabrics) and owned by Novus-Crestwood Sam's. A substantial amount of right-of-way will be purchased by the City, which also includes property needed for the construction of Phase III, which resides from the roundabout to the already improved Phase I. This results in a significantly higher price shown for the right-of-way purchase. Novus has agreed to be compensated \$14,225 for the temporary construction easement and \$65,504 for the purchase of right-of-way.

It was questioned if all costs associated with this easement and rights-of-way are in line with what was proposed to which the Director answered yes; he estimated \$150,000 in the budget. The costs total \$155,000, however, the City will be reimbursed \$32,000 from federal funding. Again, the State is administering these transactions.

It was questioned that since this particular location is tight, will this interfere with deliveries. The Director replied no, trucks will come in from the east side of Market Place, nose towards Commerce Lane and back in, and will use the roundabout to exit.

Questioned about water detention/retention on the southeast corner of the roundabout to which the Director replied there is no concern.

Motion and second to forward a Resolution to City Council with recommendation of approval the purchase of temporary easement from Novus-Crestwood Sam's for \$14,225 for the construction of Market Place Streetscape, Phase II by Aldermen Peck/Williams. The motion carried by voice vote and was unanimous.

Motion and second to forward an Ordinance to City Council with recommendation of approval the purchase of right-of-way from Novus-Crestwood Sam's for \$65,504 for the construction of Market Place Streetscape, Phase II by Aldermen Peck/Williams. 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 funding breakdown was questioned regarding the Ashland Avenue/Old Collinsville Road Improvement project. The Director stated that this project is 80 percent federally funded, therefore, the difference between the funding match (county and city) of \$59,372 and total of \$297,862 is 80 percent or \$238,290.

The Director stated that the Caseyville Township Sewer District will begin sanitary sewer improvements late summer in the Capital Oaks Subdivision area, however, some staking is currently taking place. Notices should be sent to residents by Caseyville Township Sewer District.

Phase III, Catherine to Union Hill, of the Lincoln Trail Sidewalk project began on Monday with an anticipated completion date of April 30.

Questioned the situation with the resident who had sewer problems on Laurel Drive and that the Director was going to work with the Sewer District to which the Director stated he facilitated a meeting between the Township's plant manager and the resident. The resident gave the manager information and invoices who is taking this to the Township Board in an effort to help the resident.

Public Services Committee
Alderman Pat Baeske, Chairman

ELECTED OFFICIALS – DRUG TESTING

The Chairman stated that she requested this be discussed and on the Agenda since elected officials are being paid by the City. All employees are going to undergo random drug testing at some point, therefore, elected officials should also be tested.

The Mayor stated that this has been discussed with the City Attorney and there is case law to be reviewed regarding elected officials. This is not cut and dry. There is some legislation regarding judges not being a part of drug testing. The question is recourse. The City Council cannot take action against an elected official other than censure which doesn't do very much. The City Attorney will report back.

TEMPORARY EMPLOYEE – LIBRARY

The Mayor stated this is confusing as the City does not have much authority over the Library as they operate under the Library Board, although the City allocates funding to the Library. There is not a Library Tax.

The Mayor stated that the Library Director requested to hire a temporary, six-month, employee to perform cataloging due to the retirement of the full-time employee who performed this duty. The Mayor stated this is a very specific, technical job and the Director has someone who will come back and train an employee to perform this duty. The City's union attorney has been consulted and while there are positions in the City's Salary Ordinance, the City does not have a lot of authority, and the Library Board has already approved this to happen. The City said the Library Director could hire an emergency employee for 22 days. Personnel Committee approval would be required to hire a temporary employee. The attorney's recommendation was to hire this person as an independent contractor. The Library Board can approve this hiring.

The Mayor stated the City governs under the Force Level and Salary Ordinance, however, the Library Board has oversight of the Library's position. No additional money will be given to the Library as this will be paid from the annual allocation which is based on per capita.

The Director stated that this is a 10-hour per week position. She stated that there was a recent retirement from the Library and in many ways, that position's job description was written around what that employee's duties were opposed to a job description for a position to fill. The Director is in the process of rearranging some responsibilities and one of them is cataloguing which is a very technical skill. Materials cannot be given to Library patrons unless they are catalogued. Items are catalogued as a way for people to find them in the Library. This task had been done a certain way for decades and she does not want to be in this position again where one person possesses the sole knowledge of cataloging. She is trying to create positions within the existing staff to give them the responsibility of cataloging, and then going forward, more than one person will know how to perform this duty. The Director relayed she catalogues herself, but as Director cannot spend time doing this task as she needs to run the Library; she does not have the time to train someone.

Therefore, the Director is trying to create this temporary position to train a couple of staff. She needs this intermediary. Money is in the existing budget and it will cover two fiscal periods. The employee will not receive vacation time, IMRF, or insurance.

It was stated, for clarification, that the City does not decide how much money is allocated to the Library; it is the Library Board that tells the City how much money the City needs to give them.

Questioned what the City's attorney is recommending to which the Mayor stated if the City hires an employee for 10 hours that is performing work that a previous employee, under contract, was performing, should this position be a union position. A union employee was performing this work, retired, and now the need is to hire someone to perform that union work. The union will say that it is a union 10-hour job. The Director stated that ultimately, the cataloguing will be in the union and reside with staff who are in the union. There is no one in the union who catalogues. The Mayor stated that the City does not want to hire a non-contract person performing contract work and have a grievance filed and incur expense on a temporary position. Therefore, the City's attorney is suggesting hiring this person as an independent contractor. However, the Library Board does not want to do this. They have already set the pay rate for this person. The Director questioned what would the grievance be as there is no one in the union that knows how to do this work?

It was stated that the Library is delaying the hire of a full-time position for six months while hiring someone to work 10 hours per week. The Director clarified that the full-time position is a Young Services position which pertains to the Children's' Library and has nothing to do with this issue. This position is open, but has not been posted at this point.

It was stated that it may be more beneficial to hire someone on a 1099. The individual would be responsible for handling their own FICA and taxes taking the burden off the City and the Library. The Director stated that this may be a lot for something that may only last six months or nine months at the most.

It was relayed to make this as simple as possible to move forward.

The Library Board approved this temporary position the way the Director presented it to them as a temporary position that would go through the Library's budget. It was questioned if they had not reviewed the position as being an independent contractor to which the Director replied it was not presented that way. The Director stated as an independent contractor, the salary would

probably have to be increased. The Mayor stated that an independent contractor would probably make more as they do not have to withhold as much as the City would.

It was questioned how the person, for possible hire, knows how to do this specific work. The Mayor replied that the person is the retiree who performed the work as a union employee and was a shop steward. The Director stated the goal is to have the person who retired come back and train staff. The Mayor stated that there is a ten-hour a week union employee in the Building Maintenance staff. Further compounding this situation is that this is a former employee, who was the union shop steward and who did this work, and again would be performing this work. The union may say a non-union person is performing union work and want that person in the bargaining unit. The union would have to make that request to the City. The Mayor does not want a potential grievance by bringing someone in, and that is why the Attorney recommended an independent contractor. The Board has told the Director and what this person will be paid. The City does have a force level and if they are not in the force level they are not paid. As Mayor, he can authorize a 22-day emergency employee, and after a six-month temporary position, the Personnel Committee has the authority to authorize that position. The question is – who has ultimate authority – the Library Board or the City Council.

The Director relayed that the Library's attorney stated that they have the ability to move forward in the direction they want, whether it is a contract employee or temporary position. The Mayor stated if the City has no authorization over Library employees, should they even be in the City's Force Level and why is the City paying an attorney negotiating a contract for employees that the City has no authorization over. It was commented that if there is a grievance filed as a result of this, the City would be paying an attorney. And, from what the Director stated, an independent contract was not discussed with the Library Board. Therefore, respectfully request that the Director discuss this with the Library Board.

The Director stated she does not know if the probable person to bring back to train the staff would be in favor of becoming an independent contractor. It could be difficult to find someone to train staff. It was commented that being an independent contractor is fairly simple and the City would supply the 1099 to the person. The Director stated the ultimate goal is to create an avenue to keep this in the union in a more consistent and viable way than it is currently.

It was questioned if there was only a two-week notice of retirement and couldn't the Director have planned ahead? The Director replied that the employee wanted her retirement to be discreet. A comment was made regarding cross training employees. Are there other areas where employees need to be cross trained so not to be in this position again? Other librarian duties, multiple staff can perform, however, cataloguing is different and something that needs to be performed consistently, meetings need to be attended, and 20 hours of continuing education per year are required. The Director stated this is why she is trying to split this job between two staff members. The Director explained what cataloguing requires.

The Mayor stated that the Director's concern is if the 22 days expire before the Library Board is scheduled to meet to discuss this issue and bring back to the Personnel Committee in a month, although this could go to the Finance Agenda if needed. The Director stated that the next Library Board meeting is March 19. The Director stated she has not enacted the 22 days emergency worker at this time and is not going to enact it yet.

In conclusion, the Mayor stated the Director should discuss this issue with the Library Board. This is very complicated as to what is permissible, including in the future, does the City remove

the Library staff from the City's Ordinance since the City has no governance over staff? He stated that the Library Board, by State Statute, has oversight and complete authority over the Library and the City does not. This is why the City makes an allocation to the Library per capita. He went on to state the City's forefathers could have enacted a tax district for the Library which would have taxed the residents of the City and those monies would have been spent for the operation of the Library. It was stated that there is a tax for the Library listed on the tax bills, but the City abates it every year. It was commented that the City could choose not to abate and this could bring in revenue to offset the allotment. The Director stated that the biggest increase in the budget is salary, mainly the union salaries, and if you removed those salaries, the budget would only increase one to two percent a year.

PERSONNEL CODE UPDATE – SECTION 8, LONGEVITY SALARY INCREASE - E

The Human Resource Manager stated that concerning the Personnel Code, Section 8E, Longevity Pay, the Resolution concerning the discontinuing of longevity raises was not stated and was not shown on the front page of the Personnel Code. Longevity pay was eliminated February 18, 2014.

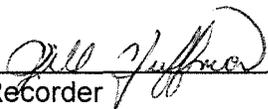
Motion and second to forward a Resolution to City Council with recommendation of approval to amend the Personnel Code, Section 8E. Longevity Pay, first sentence to read: Full-time employees, hired on or before the passage of RESOLUTION 3798-2014 (FEBRUARY 18, 2014), whose job performance is rated as satisfactory or better shall be eligible for longevity increases upon completion of the following years of service and shall receive, in addition to base wages, the longevity pay the higher of: 1) the longevity pay they were receiving immediately prior to the effective date of this resolution or; 2) longevity pay as determined in accordance with the following: and to add UPDATED 2/18/2014 (RESOLUTION NO. 3798-2014) to the front cover of the Personnel Code by Aldermen Baeske/Peck. The motion carried by voice vote and was unanimous.

A motion was made to adjourn the Operations Committee Meeting at 7:48 p.m. and proceed into Executive Session per Section 5 ILCS 120/2 (C) (1) – Personnel by Aldermen Peck/Baeske. The Mayor requested that the Human Resource Manager be allowed to attend Executive Session. Roll call vote of aldermen present: Joshua Frawley, Anthony LeFlore, Pat Baeske, Pat Peck, Denise Williams, Frank Menn, Ryan Vickers, Brenda Wagner, Harry Zimmerman, and Bill Poletti. Mayor Mark Kupsky, City Clerk Karen Kaufhold and City Attorney Andrew Hoerner were also present.

The Operations Committee Meeting commenced at 8:35 p.m. with roll call of aldermen present: Joshua Frawley, Anthony LeFlore, Pat Baeske, Pat Peck, Denise Williams, Frank Menn, Ryan Vickers, Brenda Wagner, Harry Zimmerman, and Bill Poletti. Mayor Mark Kupsky, City Clerk Karen Kaufhold and City Attorney Andrew Hoerner were also present.

Adjournment 8:36 p.m.

Submitted By:



Recorder