

City Council Meeting
Of the City of Palos Hills
held **Thursday, June 4, 2015**
City Hall Council Chambers
10335 S. Roberts Road
Palos Hills, Illinois 60465

- 1) **CALL TO ORDER:** Mayor Bennett called the City Council Meeting to order at 7:00 p.m.
- 2) **PLEDGE TO THE FLAG:** Mayor Bennett led everyone in the Pledge to the Flag.
- 3) **ROLL CALL:** Upon roll call the following Aldermen responded as present: Knox, Brachman, Lebarre, Marrotta, Schultz, Kleefisch, Stratton, Pasek, Moore, Nowak
- 4) **QUORUM:** Mayor Bennett declared a quorum was present.
- 5) **READING OF THE PREVIOUS MEETING MINUTES:**
Ald. Kleefisch, I MOVE to approve the City Council Meeting Minutes dated May 21, 2015 as presented. SECONDED by Ald. Marrotta. Upon roll call the following Ald. voted:
AYE: Brachman, Lebarre, Marrotta, Schultz, Kleefisch, Stratton, Pasek, Moore, Nowak, Knox
NAY: None
MOTION CARRIED.
- 6) **CITIZENS PETITION:** None.
- 7) **CITIZENS HEARING:**
Mayor Bennett, the meeting is open to the public for any comments or questions.

Jeff (last name inaudible) a resident of Palos Hills expressed concerns about the roofing project at city hall as well as a previous project that was done last summer on our Golf Course.

As the Council knows, we have a responsible bidder ordinance in our city, which was put in place to assure that our public dollars were being spent wisely and that the people that are working on our property were properly trained in safety as well the correct application of the construction work that we are doing because of past problems that we have had in our city.

It seems like we have a pattern here that we hire contractors without pay following our own city ordinance for responsible bidders. We are not putting it out to a public bid where we are getting and asking responsible bidders to come in and actually do the work. When we go and address these issues they seem just to continue onto the next roofing project.

I would like the Council to reconsider the gutters, fascia and soffit that was just mentioned. Price is not always the only thing at hand. How are these people trained? Are the bonds being secured that the Licensing Act requires? Is the proper insurance being carried for the workers that are working there? These workers, without proper protection, could actually fall and any attorney would run in here and sue the contractor that employs them, whomever that may be, and they will sue our city on a third party lawsuit. When that happens, my property taxes go up as well as all our other residents as an indirect result of that situation.

I am asking the City to look at some of this information I have provided for all of you. I have a copy of the current project that just happened. I have pictures and documentation from the Golf Course. I also have past information on the (inaudible) building. I have a copy of the Responsible Bidder Ordinance that our Council did pass diligently. I have a copy of the Illinois Prevailing Wage Act and a copy of the Illinois Roofing License Act. I would like to leave that with this responsible Board. I would like this Council to consider the future, when we are hire contractors, I would like to see that we follow our own ordinances, because they are important part of our community.

Thank you for your time.

Mayor Bennett, I just have one question for you. DeVries aren't they a union contractor?

Jeff (resident), no they are not a union; they have never been a signatory contractor.

Mayor Bennett, who put the roof on this originally?

Building Comm. Nelson, Eight years ago, that was DeVries.

Mayor Bennett, back then, we went out to bid and one of the bidders came in low and he said he did not pay prevailing wage, so we went back out to bid and DeVries won that contract. I didn't hear back from the union, other than they said they paid prevailing wage and I did not hear back from them as to whether they felt they were qualified. So you guys followed that back (8) years ago?

Jeff (resident), sir, we followed that back as long as I can remember. I am a 21-year member of that union. I am a 4-year business agent for that union. That was prior to my tenure as being a responsible representative from the roofers' union. I can't answer that.

Mayor Bennett, I know back then they were watching the bids that went out.

Jeff(resident) They were watching bids, but what you can see here from DeVries Roofing, that as far back as 2007, he's got two prevailing wage violations, again, on our Fire Department, which I know is a different taxing body, but also on our Township, which again, is a different taxing body. He has also got a litany of OSHA violations. So whether DeVries put that roof on eight years ago and that amongst hundreds of jobs with

five agents going from the Wisconsin border down to Iroquois County policing these areas, if I don't raise the flag, it doesn't seem that a lot of people do.

Mayor Bennett, well, that's prevailing wage, and in this case with this building, we did go out and get three bids. The insurance company is paying for this and submitted a bid to the insurance company and they indicated to us that this bid included prevailing wage.

Jeff (resident) and as I am telling you, I asked the workers on site. I came out here on Thursday. I noticed the project being done as of Saturday, when I drove past to do my grocery shopping. I asked the workers what they were getting paid and the foreman told me he didn't know what the prevailing wage was. I replied that he should be paid approximately \$60 per hour, which is a wage and a benefit package. He had indicated no, this is shingles - we are being paid piece work. That's when the guy is getting the check. Now I know what his employer is going to do because we run across it every single time we have a prevailing wage. He is going to take a certified payroll; he's going to write the numbers down and he is going to submit it to you, unless I waive the flag and I turn that paperwork, request it through a FOIA request, get that paperwork; file it with the State; wait a year or two that it takes to process these prevailing wage violations. You will get a notice of violation if he violates the act twice, I believe within a three-year period, at which time he will be de-barred. It is very difficult to get a contractor de-barred because it is very difficult to get these cases turned around in that timeframe. Now, we have an unfriendly Governor and for those cases to go to (inaudible) it would probably be almost impossible. So the diligence has to be on the people that are actually saying "let's hire". Let's hire contractors that have no history of prevailing wage violations. Let's hire contractors that we know participate in an active apprentice program as our Responsible Bidder Ordinance says we will hire. This gentleman has no apprenticeship program. These people are not being trained five years at an accredited school. When we had the problem with the electrical transformer that blew up here in our city, that was at a cost of about \$100,000 to the taxpayers. That's what I believe, and that's what I've been told as to why we started that Responsible Bidder Ordinance - to prevent this from happening in the future. Yet again, we are hiring contractors that don't have (inaudible). Did anybody ask the contractor if he had registered (inaudible) Did we ask for the documentation of that from the State? These are things that we need. Did we ask them for their booking license? I know that we do not need a permit to work on our own buildings, but did we ask those questions. Not just by word of mouth (inaudible) but I don't believe that it was, sir.

Mayor Bennett, this contractor was. He was bonded and insured.

Jeff(resident) I forget the name, but with the guy being a resident, I wouldn't think I would have to wait for the Mayor to call. I asked a simple question, who was working on our City, and I was told to refer that to the Mayor's office. Is the contractor licensed working in construction?

Mayor Bennett, yes.

Jeff (resident) there is two of them that are licensed (inaudible). Alliance Remodeling Construction and is that the contractor that is out of Wheeling or Bolingbrook?

Mayor Bennett, Bolingbrook.

Jeff (resident) so that particular contractor does have a license but he's not part of the registered apprenticeship program, so therefore, he does not meet the Responsible Bidder Ordinance and his bid should be disregarded. I have a contractor book right here of 95 contractors that do meet the Responsible Bidder Ordinance, many choices are people we have done business with. A-1 Roofing did our library, (Knickerbocker?) Roofing did our police department; All American Roofing is doing Moraine Valley College right now. These are contractors that have no issues with the Department of Labor. They have the actual apprenticeship program and they meet requirements. So the simple matter that – it was a really good price – it's not always what you see on that number is what you get. This roof is 8 years old and you are replacing it right now? That's telling me that there was a failure in the way it was installed. If it was the manufacturer's product perhaps, but more likely than not, it's inferior installation. That you learn in a five-year accredited apprenticeship program which DeVries was not part of and had never been part of. I guess we should look at every single job that ever goes out across the 5500 taxing bodies in the State and five people should tell the boards that Palos might not meet the criteria. But that's why we let you guys. You are here every month. I am not. I have other meetings like many of you. These are part-time positions. We all have other jobs that we have to go to including yourself, Mr. Mayor. I can't be the only guy to be the eyes and ears. I need the elected officials that I support to do that for me. I have my business card here if anybody would like to contact me. Certainly there will be more roofing projects that go on in our city. Again, I am a 20 year resident here, a 21 year member, my son is 18 years old. He just graduated from Stagg and is enrolled in the apprentice program. He's fourth generation local (inaudible) union member. He is going to be trained properly. (inaudible)
Thank you for your time.

Mayor Bennett, thank you.

(unknown speaker) inaudible. He commented on OSHA and that the City should be looking at qualified contractors to do the work.

Mayor Bennett, thank you.

With no further comments or questions from the public; the public portion of the meeting was closed.

8) REPORTS & COMMUNICATIONS FROM MAYOR AND OTHER CITY OFFICIALS:

A. CITY CLERK: No report.

B. CITY ATTORNEY:

City Attorney Pappas, the only thing I have this evening is that piece of property on 101st Street, the city selling we have an agreement with the purchasers. I received a copy of the full legal description, and I will pull the title report and hopefully we will be able to close in the next couple of weeks.

Ald. Stratton, what about the removal of the asphalt that he is looking for the city to do it.

City Attorney Pappas, we are going to sell it “as is”.

Mayor Bennett, I talked to the buyer when the presentation was made to the city it was \$35,000.00. When he had submitted the letter he had put in a (caviot) and I said that is(inaudible)

City Attorney Pappas, I spoke to him today about that, they are in agreement.

C. MAYOR

Mayor Bennett, I passed out at Committee various Ordinances for the City Council to consider.

**9) PRESENTATION OF PETITIONS, COMMUNICATIONS, RESOLUTIONS
ORDERS AND ORDINANCES BY ALDERMEN:**

A. BUILDING & LICENSE:

Ald. Lebarre presented and read the Building Dept. Report for May, 2015 as follows: total permits issued 69; total permit fees \$37,441.00, total security deposits received were \$3,750.00 and total security deposit refunds totaled \$1,150.00.

B. CITY ADMINISTRATION/GOLF:

Ald. Moore, as mentioned at the previous meeting and I do have a number of copies here where the grass needs to be cut and those properties are as follows:

- 1) 8232 W. 100th Place
- 2) 10515 S. 84th Avenue
- 3) 8743 Surry Park
- 4) 10613 Michael Drive
- 5) 10113 S. 86th Court
- 6) 9915 S. 84th Avenue
- 7) 10058 S. 86th Court
- 8) 10565 S. Aspen Drive

Ald. Moore, I MOTION to lien the above mentioned properties so we can cut that grass. SECONDED by Ald. Marrotta. Upon roll call the following Ald. voted:

AYE: Lebarre, Marrotta, Schultz, Kleefisch, Stratton, Pasek, Moore, Nowak, Knox, Brachman.

NAY: None

MOTION CARRIED.

C. COMMUNITY RESOURCES:

Ald. Marrotta, please remember that fishing is currently not allowed at Pleasure Lake per City ordinance. We re-stocked the fish this past fall and need time for them to grow. Please look for fishing updates in upcoming newsletters.

I would like to go one step further; I spoke with Comm. Weakley and Comm. Kristin Violante. The ordinance is set to expire in the Fall of 2016; I am told it is not going to hurt us to go one extra spawn, which would be the Spring of 2017.

Ald. Marrotta, at this time I MOVE that we extend the No Fishing Ordinance until April of 2017. SECONDED by Ald. Knox. Upon roll call the following voted:

AYE: Marrotta, Schultz, Kleefisch, Stratton, Pasek, Moore, Nowak, Knox, Brachman, Lebarre.

NAY: None

MOTION CARRIED.

Ald. Marrotta, as everyone knows, I am pro union, I am a Union Steward; 8 years ago I did question the fact if this roofing company was a union company. I was told they were which is why I supported it. I will not be supporting Alliance. My recommendation would be to go back out, but of course, it is up to the rest of the Council.

Mayor Bennett, that would be my recommendation. Again, for the record, my understanding when this roof was built 8 years ago we went out to bid; I understand we rejected all bids because the low bidder was not union. We went back out to bid and my understanding he was at the time.

(Unknown Speaker) out of respect to the Board, Ray DeVries says he is a union contractor. Thank you.

Mayor Bennett, and we were not happy with the job. Although it turned out to be an insurance claim because of the wind and ice damage that was done up there, but we have all kinds of pictures to document that.

Ald. Kleefisch, is there one source that we can go to, with these contractors to make sure that they are following all the regulations and the laws with the license?

Mayor Bennett, we have (inaudible) and the pre-qualifier for the contract union and to the best of my knowledge we have found that to the best of our ability – I know that we had a problem when we went out to bid on the police department building, but that is the intent. We wouldn't have passed the ordinance or recommended that the ordinance be passed in the first place. This was also insurance, where the insurance company was paying this, not us,

however, obviously expressed concerns and we will continue to express those concerns going forward. Again, you have to be careful too. Prevailing wage is a law. Qualifications along with prevailing wage is something that's our intent. The question was asked earlier. We cannot just say we are only accepting union contracts, we would be violating a law. The gentleman also knows my position with the Governor – not only there, but at the Southwest Conference regarding that whole deal. For the record, we will give it even a greater shot, and it is my recommendation that we go out and re-do this.

D. ECONOMIC DEVELOPMENT:

Ald. Nowak, as I mentioned in the previous meeting, I do have someone interested in the Racquet Ball Club so hopefully they will get in there Monday to look at it and then get back to us and let us know.

I do want to thank Chief Madigan because I know that there is some stuff going on back there and I appreciate that you were so quick to respond.

E. FINANCE:

Ald. Knox, you all have before you a Vendor Warrant dated June 4, 2015 in the amount of \$211,401.29. I MOVE to authorize the expenditure of same. SECONDED by Ald. Pasek. Upon roll call the following Ald. voted:

AYE: Schultz, Kleefisch, Stratton, Pasek, Moore, Nowak, Knox, Brachman, Lebarre, Marrotta

NAY: None

MOTION CARRIED.

F. LEGISLATION & ORDINANCES:

Ald. Knox, I MOVE for consideration of an Ordinance Authorizing Disposal By Way of Electronic Recycling of Personal Property Owned by the City of Palos Hills. SECONDED by Ald. Pasek. Upon roll call the following Ald. voted:

AYE: Kleefisch, Stratton, Pasek, Moore, Nowak, Knox, Brachman, Lebarre, Marrotta, Schultz

NAY: None

MOTION CARRIED.

City Clerk Mulderink assigned number 2015-2 to an Ordinance entitled: An Ordinance Authorizing Disposal By Way Of Electronic Recycling Of Personal Property Owned By The City Of Palos Hills, Il.

Ald. Schultz, I MOVE to WAIVE the reading of Ordinance 2015-2. SECONDED by Ald. Marrotta. Upon roll call the following Ald. voted:

AYE: Stratton, Pasek, Moore, Nowak, Knox, Brachman, Lebarre, Marrotta, Schultz, Kleefisch

NAY: None

MOTION CARRIED.

Ald. Knox, I MOVE for PASSAGE of Ordinance 2015-2, An Ordinance Authorizing Disposal By Way Of Electronic Recycling Of Personal Property Owned By The City Of Palos Hills, IL. SECONDED by Ald. Moore. Upon roll call the following Ald. voted:

AYE: Pasek, Moore, Nowak, Knox, Brachman, Lebarre, Marrotta, Schultz, Kleefisch, Stratton

NAY: None

MOTION CARRIED.

Ald. Knox, I MOVE for consideration of an Ordinance Regarding the Prevailing Rate of Wages. SECONDED by Ald. Kleefisch. Upon roll call the following Ald. voted:

AYE: Moore, Nowak, Knox, Brachman, Lebarre, Marrotta, Schultz, Kleefisch, Stratton, Pasek

NAY: None

MOTION CARRIED.

City Clerk Mulderink assigned number 2015-3, An Ordinance Regarding The Prevailing Rate Of Wages As Determined By The State Of Illinois.

Ald. Brachman, I have a quick question. How can this body guarantee, even though we passed the ordinance, can we guarantee that the workers are paid that?

Mayor Bennett, with each contract, that language is provided.

Ald. Brachman, but how do we know that this is happening, even though they say it is.

Mayor Bennett, we could request, as the gentleman indicated, the actual payroll of the employees, hours and the rates.

(misc. voices all talking)

Ald. Brachman, but there's no law that going to make them follow what they say that they are doing.

Mayor Bennett, you can trail every contractor including a union contractor and demand that too. Again, based upon history, that should take place.

After the reading of proposed Ordinance 2015-3, An Ordinance Regarding The Prevailing Rate Of Wages As Determined By The State Of Illinois Ald. Knox MOVED for its PASSAGE and presented and read. SECONDED by Ald. Marrotta. Upon roll call the following Ald. voted:

AYE: Nowak, Knox, Brachman, Lebarre, Marrotta, Schultz, Kleefisch, Stratton, Pasek, Moore

NAY: None

MOTION CARRIED.

G. PARKS:

Ald. Stratton, Friendship Fest is coming up soon and will be held Thursday, July 9, to Sunday, July 12th at Moraine Valley Community College. There is still room for both craft vendors as well as food vendors.

In addition, mega passes will be sold at the Community Center, which is located at 8455 W. 103rd St. Mega passes are \$40.00 if purchased by noon on July 9th. The price will be \$50.00 at the carnival. For further information about becoming a vendor or mega passes please call (708) 430-4500.

H. PLANNING & ZONING:

Ald. Schulz, I have no report this evening.

I. PUBLIC SAFETY:

Ald. Kleefisch, I have a Resolution Authorizing the Execution of a Law Enforcement Mutual Aid Agreement and the Existence and Formation of the Illinois Law Enforcement Alarm System by Intergovernmental Cooperation.

City Clerk Mulderink assigned number 592 to that proposed Resolution.

Ald. Marrotta, I MOVE to WAIVE the reading of proposed Resolution 592. SECONDED by Ald. Brachman. Upon roll call the following Ald. voted:

AYE: Knox, Brachman, Lebarre, Marrotta, Schultz, Moore, Nowak

NAY: Kleefisch, Stratton, Pasek

MOTION CARRIED.

Ald. Kleefisch, I MOVE for ADOPTION of Resolution No. 592, A Resolution Authorizing the Execution of a Law Enforcement Mutual Aid Agreement and the Existence and Formation of the Illinois Law Enforcement Alarm System by Intergovernmental Cooperation. SECONDED by Ald. Knox. Upon roll call the following Ald. voted:

AYE: Brachman, Lebarre, Marrotta, Schultz, Kleefisch, Stratton, Pasek, Moore, Nowak, Knox

NAY: None

MOTION CARRIED.

Ald. Kleefisch, I would like to read a letter into the record Mr. Mayor. This letter is addressed to Chief Paul Madigan. It reads, "Dear Chief Madigan on April 30th, 2015 Officer Erin Boatwright and Canine Wolf assisted our agency with a property/building search at 500 Joliet Road in our town. Please thank Officer Boatwright for his assistance.

The cooperation shown in this incident and many in the past are examples of the excellent working relationship between our agencies. Please do not hesitate to contact me or any member of my staff in the future for any assistance you may need. Sincerely, Mark Shelton, Chief of Police, Willowbrook Police Department".

Ald. Marrotta, I would like to make a comment to our Police Department, Chief Madigan, phenomenal service, unfortunately and also I like to let the public know; unfortunately my son was ripped off \$700.00 for Blackhawk hockey tickets for the last series. He purchased them on Craig's list went downtown and they were fake.

Within an hour our Detectives had contacted United Center, Chicago Police Dept. and they are working on the case now. It was just phenomenal how fast our Detectives got things rolling. We are out \$700.00 but at least we are on to this guy.

J. PUBLIC WORKS/SEWER & WATER:

Ald. Brachman, the Public Works Commissioner & City Engineer have developed the required documents and Resolution that upon approval will authorize the Mayor and City Clerk to sign the documents to appropriate \$450,000.00 from the Motor Fuel Tax Fund for maintenance of streets under the Illinois Highway Code.

Upon approval the Public Works Commissioner will seek bids for this year's Motor Fuel Tax Projects and Municipal Estimate of Maintenance cost in the amount of \$425,749.00.

Upon request of Ald. Brachman, City Clerk Mulderink assigned number 593 to that Resolution.

Ald. Brachman, I MOVE to APPROVE Resolution 593, authorizing the Mayor & City Clerk to sign the documents allowing the appropriation of funds in the amount of \$450,000.00 from the Motor Fuel Tax Fund. SECONDED by Ald. Kleefisch. Upon roll call the following Ald. voted:

AYE: Lebarre, Marrotta, Schultz, Kleefisch, Stratton, Pasek, Moore, Nowak, Knox, Brachman

NAY: None

MOTION CARRIED.

Ald. Brachman, at Committee I told the Council that I would bring this up about the job on the fascia and soffit. I am not going to do that now, I want to thank you for your presentation.

10) REPORTS OF SPECIAL COMMITTEES: No Report.

11) UNFINISHED BUSINESS: No Report.

12) MISCELLANEOUS BUSINESS:

Mayor Bennett, one last comment regarding this whole topic. I did not report on the whole conversation that we had with the Governor when he came here and met with three of our Southwest Conference Mayors. He was not only talking about the subject of home rule but certainly the Governor's pitch for his turnaround agenda. His turnaround agenda is to eliminate prevailing wage; his turnaround agenda is also to create right to work zones, which is even less than prevailing wage, and understanding that in consideration of what he is talking about, his philosophy regarding how we go forward in this state, I personally believe that you are going to drive the so-called middle class with you down and you are not going to create what he indicated would be a 25% increase in the economy due to lower wages. I don't know how you figure that out if you pay somebody less (inaudible)

motion for our state organization, and I made a motion at the board meeting to table the resolution. With 1300 cities and villages in the State, there could not have been any more than 25 to 30 that even passed that resolution and a lot of it was modified. They took out the whole idea about the (inaudible) right to work zones.

Ald. LeBarre, just a reminder that June 14th is Flag Day, and we should all fly the flag.

Mayor Bennett, we put on our website, protectmytown.com. I would encourage our residents to continue to go on to that website and register a letter to go to the Governor or General Assembly members about protecting local government funds and LDGF funds. Right now, it is safe in as much as the House and Senate are not taking up that issue, which is good. Whether or not it's going to survive the rest of the summer, I'm not sure. We will hopefully find out if they pass a budget before the end of summer, which I'm having my doubts about right now. They are still trying to finalize a budget so I don't expect any responses.

13) ADJOURNMENT:

No further business, Mayor Bennett entertained a motion to adjourn. SO MOVED by Ald. Stratton. SECONDED by Ald. Schultz. By voice vote, all voted AYE.

The Meeting adjourned at 7:41 p.m.

Submitted by

Rudy A. Mulderink
City Clerk
City of Palos Hills