

REGULAR MEETING OF THE VILLAGE BOARD MINUTES, AUGUST 1, 2011

The Regular Meeting of the Village Board was held Monday, August 1, 2011 at the New Baden Village Hall, 1 East Hanover Street. President Brandmeyer called the meeting to order at 7:00 p.m.

**Present and answering to roll call:** Mayor Brandmeyer, Trustees Malina, Linthicum, Oster, Picard, and Gunn. **Absent:** Trustee Nielsen. **Staff Members Present:** Village Clerk Crane; Administrator Morani; Attorney Doug Gruenke; Village Treasurer Pollmann; Zoning Officer Green; and Police Chief Riley.

A motion was made by Trustee Picard and seconded by Trustee Gunn to approve the Consent Agenda, which includes the Minutes from the July 5, 2011 Regular Meeting, the Minutes of the July 18, 2011 Committee-at-Large Meeting and authorization of payment of current invoices.

**Ayes:** Malina, Linthicum, Oster, Picard, Gunn.

**Nays:** None.

**Absent:** Nielsen.

A majority of the Board voting aye, the motion carried.

Ordinance 861:  
Creating St. Clair  
County Ambulance  
SSA

A motion was made by Trustee Gunn and seconded by Trustee Picard to pass Ordinance 861: Creating a Special Service Area (SSA) for the Provision of Ambulance Service within the Corporate Limits of the Village of New Baden for Those Parcels Situated in St. Clair County, Illinois. This Ordinance becomes effective on September 18, 2011.

**Ayes:** Linthicum, Oster, Picard, Gunn, Malina.

**Nays:** None.

**Absent:** Nielsen.

A majority of the Board voting aye, the motion carried.

Gazebo at Park: Bid  
Award

Bids for the Gazebo Project were due on July 12, 2011. Eight (8) bids were read and opened: Mettler Development, LLC, \$67,925.00; HS Contractors, \$79,960; Litteken Construction Co., \$89,500; White Glove Services, \$99,899; Engelmann Construction Co., \$101,680; Tindal Construction Co., \$101,692; KRB Construction, \$109,000; and Calhoun Construction, \$109,977. AAIC, Inc. (architect for the project) and the Park Board recommend accepting the base bid from Mettler Development, LLC. It was clarified that the structure would be built of maintenance free materials. Jerry Green, Chief Building and Zoning Official, will be supervising the project as he did with Korte & Luitjohan on the Pool Renovations. The project is expected to start in about two weeks.

A motion was made by Trustee Gunn and seconded by Trustee Picard to accept the low bid from Mettler Development, LLC of Highland IL, \$67,925.00, for the Gazebo Project at the Park.

**Ayes:** Oster, Picard, Gunn, Malina, Linthicum.

**Nays:** None.

**Absent:** Nielsen.

A majority of the Board voting aye, the motion carried.

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Plum Lane Drainage  
Project Bid Award

Bids for the Plum Lane Drainage Project were due on July 28, 2011. Six (6) bids were read and opened: KRB Excavating, Inc., \$21,863.00; Hank's Excavating & Landscaping, Inc., \$33,410.00; Concrete Strategies, LLC, \$34,225.38; Mettler Development, LLC, \$34,751.00; Rite-Way Excavating, \$35,443.62; and H&M Backhoe Service, Inc., \$65,898.00. Rhutasel and Associates, Inc., engineer for the project, recommends accepting the low bid from KRB Excavating, Inc. This bid is 28% lower than the \$30,385.00 project cost estimate prepared by the firm.

A motion was made by Trustee Oster and seconded by Trustee Gunn to accept the low bid from KRB Excavating, Inc. of Trenton IL, \$21,863.00, for the Plum Lane Drainage Project.

**Ayes:** Picard, Gunn, Malina, Linthicum, Oster.

**Nays:** None.

**Absent:** Nielsen.

A majority of the Board voting aye, the motion carried.

Drainage Agreements

The five (5) property owners affected by the Plum Lane Drainage project have all signed agreements with the Village. All agree to reimburse the Village \$2,000, within one year of commencement of the project, to help pay for the construction of the paved ditch.

Drainage Agreement:  
523 Plum Lane

A motion was made by Trustee Picard and seconded by Trustee Gunn to approve the Drainage Agreement with Cynthia Hagen, 523 Plum Lane.

**Ayes:** Gunn, Malina, Linthicum, Oster, Picard.

**Nays:** None.

**Absent:** Nielsen.

A majority of the Board voting aye, the motion carried.

Drainage Agreement:  
633 Plum Lane

A motion was made by Trustee Picard and seconded by Trustee Gunn to approve the Drainage Agreement with Herschel R. Beard, 633 Plum Lane.

**Ayes:** Malina, Linthicum, Oster, Picard, Gunn.

**Nays:** None.

**Absent:** Nielsen.

A majority of the Board voting aye, the motion carried.

Drainage Agreement:  
641 Plum Lane

A motion was made by Trustee Oster and seconded by Trustee Picard to approve the Drainage Agreement with Gene and Susan Fick, 641 Plum Lane.

**Ayes:** Linthicum, Oster, Picard, Gunn, Malina.

**Nays:** None.

**Absent:** Nielsen.

A majority of the Board voting aye, the motion carried.

Drainage Agreement:  
709 Plum Lane

A motion was made by Trustee Linthicum and seconded by Trustee Gunn to approve the Drainage Agreement with Kevin and Rena Thoele, 709 Plum Lane.

**Ayes:** Oster, Picard, Gunn, Malina, Linthicum.

**Nays:** None.

**Absent:** Nielsen.

A majority of the Board voting aye, the motion carried.

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Drainage Agreement:  
811 Plum Lane

A motion was made by Trustee Gunn and seconded by Trustee Picard to approve the Drainage Agreement with Ernst and Wilma Kuhn, 811 Plum Lane.

**Ayes:** Picard, Gunn, Malina, Linthicum, Oster.

**Nays:** None.

**Absent:** Nielsen.

A majority of the Board voting aye, the motion carried.

Engineering  
Agreement with  
HMG: Task Order #1,  
General Services

A motion was made by Trustee Picard and seconded by Trustee Oster to approve Task Order #1 for General Services with Henry, Meisenheimer, & Gende, Inc. This agreement provides general terms and conditions for engineering services provided by HMG for current and future projects. This agreement permits staff, specifically the Village Administrator and Commissioner of Public Works, to work with HMG on tasks without delay so projects can move forward in an efficient manner. Large projects, particularly those that require formal bidding procedures, will be approved by the Board, such as the subsequent two projects. This agreement will also cover services being done by Doug Ratermann of HMG in regards to drainage issues throughout the Village; he will be providing monthly status reports to Administrator Morani as items are addressed.

**Ayes:** Gunn, Malina, Linthicum, Oster, Picard.

**Nays:** None.

**Absent:** Nielsen.

A majority of the Board voting aye, the motion carried.

Engineering  
Agreement with  
HMG: Task Order #2,  
Ground Storage Tank  
Improvements

A motion was made by Trustee Picard and seconded by Trustee Oster to approve Task Order #2 for Ground Storage Tank Improvements with Henry, Meisenheimer, & Gende, Inc, not to exceed \$12,600. This agreement is for replacement of existing pumps at the booster station and replacing the valve and hydrant outside of the ground storage tank. This project was discussed at the July 18 committee-at-large meeting.

**Ayes:** Malina, Linthicum, Oster, Picard, Gunn.

**Nays:** None.

**Absent:** Nielsen.

A majority of the Board voting aye, the motion carried.

Engineering  
Agreement with  
HMG: Task Order #3,  
Route 160 Booster  
Pump Elimination

A motion was made by Trustee Linthicum and seconded by Trustee Gunn to approve Task Order #3 for Route 160 Booster Pump Elimination with Henry, Meisenheimer, & Gende, Inc, not to exceed \$4,900. This agreement is for removal of existing pumps at the Route 160 Booster Station: connect an 8" line along East Cedar Street to a 6" line along Illinois Route 160 and abandon existing booster station. This project was discussed at the July 18 committee-at-large meeting.

**Ayes:** Linthicum, Oster, Picard, Gunn, Malina.

**Nays:** None.

**Absent:** Nielsen.

A majority of the Board voting aye, the motion carried.

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Ground Storage Tank  
Improvements Project

A motion was made by Trustee Picard and seconded by Trustee Gunn to authorize going out for bids for the Ground Storage Tank Improvements Project.

**Ayes:** Oster, Picard, Gunn, Malina, Linthicum.

**Nays:** None.

**Absent:** Nielsen.

A majority of the Board voting aye, the motion carried.

Route 160 Booster  
Pump Elimination  
Project

A motion was made by Trustee Picard and seconded by Trustee Gunn to authorize going out for bids for the Route 160 Booster Pump Elimination Project.

**Ayes:** Oster, Picard, Gunn, Malina, Linthicum.

**Nays:** None.

**Absent:** Nielsen.

A majority of the Board voting aye, the motion carried.

Engineering  
Agreement with  
Rhutasel &  
Associates: General  
Services

A motion was made by Trustee Picard and seconded by Trustee Gunn to approve a Letter Agreement for Professional Engineering and Land Surveying Services with Rhutasel and Associates, Inc. for General Services for Professional Engineering. This agreement is similar to that of HMG's agreement for general services. This will permit village staff to work with Rhutasel and Associates on various projects. Large projects will continue to be approved by the Board on a case-by-case basis.

**Ayes:** Gunn, Malina, Linthicum, Oster, Picard.

**Nays:** None.

**Absent:** Nielsen.

A majority of the Board voting aye, the motion carried.

Korte & Luitjohan,  
Contr. Inc.: Change  
Order #4 (Final) for  
Pool Renovations

A motion was made by Trustee Picard and seconded by Trustee Oster to approve Change Order #4 & Final from Korte-Luitjohan Contr., Inc. for Pool Renovations, \$2,825.00. This is for additional work performed in May, which includes 250 square feet of concrete in front of the concession stand and installation of electrical service and a dedicated conduit from the bath house to the marquee at the park entrance.

**Ayes:** Malina, Linthicum, Oster, Picard, Gunn.

**Nays:** None.

**Absent:** Nielsen.

A majority of the Board voting aye, the motion carried.

Korte & Luitjohan,  
Contr. Inc.: Pay  
Request #4 (Final) for  
Pool Renovations

A motion was made by Trustee Gunn and seconded by Trustee Picard to authorize Pay Request #4 & Final from Korte & Luitjohan Contr. Inc. for Pool renovations; \$10,232. This payment will be contingent upon successful completion of repairs to a leaking water line.

**Ayes:** Linthicum, Oster, Picard, Gunn, Malina.

**Nays:** None.

**Absent:** Nielsen.

A majority of the Board voting aye, the motion carried.

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Westport Pools  
Change Order #5

A motion was made by Trustee Malina and seconded by Trustee Oster to authorize Change Order #5 from Westport Pools, \$5,368.37. This is for an ADA compliant chair lift; which is required for the Village to receive its grant reimbursement from IDNR (Illinois Dept. of Natural Resources).

**Ayes:** Oster, Picard, Gunn, Malina, Linthicum.

**Nays:** None.

**Absent:** Nielsen.

A majority of the Board voting aye, the motion carried.

Lawn Mower  
Purchase

Public Works Commissioner Renth recommended the purchase of an Exmark lawn mower from Lebanon True Value; not to exceed \$12,000. This price includes a discount for the trade-in value of the existing mower. Attorney Gruenke stated that the law requires competitive bids be received before an item is turned in for trade-in value. Administrator Morani will look into this. Additional discussion regarding the cutting width of lawn mower to be purchased versus the current mower. It was questioned if this was an American made item: it is an Exmark lawnmower with a Kubota engine. This is a budgeted General Fund and Park Fund expense.

A motion was made by Trustee Malina and seconded by Trustee Linthicum to authorize the purchase of the Exmark lawn mower from Lebanon True Value, not to exceed \$12,000 contingent upon the receipt of competitive bids for the existing mower.

**Ayes:** Picard, Gunn, Malina, Linthicum, Oster.

**Nays:** None.

**Absent:** Nielsen.

A majority of the Board voting aye, the motion carried.

Haier Plumbing &  
Heating: Change  
Order #6 for WWTF

A motion was made by Trustee Malina and seconded by Trustee Picard to authorize Change Order #6 submitted by Haier Plumbing & Heating for the Wastewater Treatment Facility: additional work (\$79,242.38) and a time extension. The additional work for the project consisted of the following: Replacement of the damaged main interceptor pipe (as discussed at 5/2/11 meeting); Additional grading work; Installation of a culvert near the entrance to the burm; Abandonment of pipes at the old plant; and other miscellaneous work. This work was authorized by Administrator Morani and/or Ron Renth as recommended by HMG. Brian Buchheit of HMG was present to go over these items. These expenses can be applied to available IEPA loan contingency funds, of which the remaining balance will be \$64,000. Discussion regarding the need for a structure to be built over some outside panels. The time extension will be: substantial completion by July 31, 2011 and final completion by August 31, 2011.

**Ayes:** Gunn, Malina, Linthicum, Oster, Picard.

**Nays:** None.

**Absent:** Nielsen.

A majority of the Board voting aye, the motion carried.

Part-time Police  
Officer Hire: Rodney  
Tabor

A motion was made by Trustee Gunn and seconded by Trustee Malina to approve the hiring of Rodney Tabor as a part-time Police Officer.

**Ayes:** Malina, Linthicum, Oster, Picard, Gunn.

**Nays:** None.

**Absent:** Nielsen.

A majority of the Board voting aye, the motion carried.

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Part-time Police  
Officer Hire: Andrew  
Schuler

A motion was made by Trustee Malina and seconded by Trustee Linthicum to approve the hiring of Andrew Schuler as a part-time Police Officer.

**Ayes:** Linthicum, Oster, Picard, Gunn, Malina.

**Nays:** None.

**Absent:** Nielsen.

A majority of the Board voting aye, the motion carried.

Permanent Funds  
Transfer (audit  
adjustment)

A motion was made by Trustee Malina and seconded by Trustee Linthicum to authorize the permanent transfer of funds from the General Fund to the Civic Center Fund, this is an audit adjustment.

**Ayes:** Oster, Picard, Gunn, Malina, Linthicum.

**Nays:** None.

**Absent:** Nielsen.

A majority of the Board voting aye, the motion carried.

Executive Session

A motion was made by Trustee Malina and seconded by Trustee Picard to adjourn the meeting to Closed Session to discuss Probable Litigation and Sale of Real Estate.

**Ayes:** Malina, Linthicum, Oster, Picard, Gunn.

**Nays:** None.

**Absent:** Nielsen.

A majority of the Board voting aye, the motion carried and the meeting was adjourned to Closed Session at 7:58 p.m.

Meeting reconvened at 8:20 p.m.

**Present:** Mayor Brandmeyer, Trustees Malina, Linthicum, Oster, Picard, and Gunn.

**Absent:** Trustee Nielsen. **Staff Members Present:** Village Clerk Crane; Administrator Morani; Attorney Doug Gruenke; and Village Treasurer Pollmann.

EMS Overtime  
Settlement and  
Release Agreements

During 2009 and 2010 Emergency Service employees were only compensated at the regular rate of pay for overtime hours worked. After the hiring of a new Emergency Services Director in 2011, the Village hired an independent auditor to conduct an audit of the New Baden Ambulance Service's payroll records. The Village desired to compensate these employees for overtime wages that were due in 2009 and 2010. The affected parties desire to enter into a Settlement Agreement and Release to settle any and all claims between them related to wages and hours for 2009 and 2010.

EMS Agreement:  
Mike Mueller

A motion was made by Trustee Malina and seconded by Trustee Picard to authorize the Overtime Settlement and Release Agreement with Mike Mueller in the amount of \$184.38.

**Ayes:** Malina, Linthicum, Oster, Picard, Gunn.

**Nays:** None.

**Absent:** Nielsen.

A majority of the Board voting aye, the motion carried.

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EMS Agreement:  
Rick Nelan

A motion was made by Trustee Malina and seconded by Trustee Linthicum to authorize the Overtime Settlement and Release Agreement with Rick Nelan in the amount of \$90.75.

**Ayes:** Malina, Linthicum, Oster, Picard, Gunn.

**Nays:** None.

**Absent:** Nielsen.

A majority of the Board voting aye, the motion carried.

EMS Agreement:  
Mike Brunker

A motion was made by Trustee Oster and seconded by Trustee Gunn to authorize the Overtime Settlement and Release Agreement with Mike Brunker in the amount of \$900.49.

**Ayes:** Malina, Linthicum, Oster, Picard, Gunn.

**Nays:** None.

**Absent:** Nielsen.

A majority of the Board voting aye, the motion carried.

EMS Agreement:  
Mike Markovich

A motion was made by Trustee Picard and seconded by Trustee Gunn to authorize the Overtime Settlement and Release Agreement with Mike Markovich in the amount of \$447.08.

**Ayes:** Malina, Linthicum, Oster, Picard, Gunn.

**Nays:** None.

**Absent:** Nielsen.

A majority of the Board voting aye, the motion carried.

EMS Agreement:  
Jesse Girardin

A motion was made by Trustee Gunn and seconded by Trustee Picard to authorize the Overtime Settlement and Release Agreement with Jesse Girardin in the amount of \$288.75.

**Ayes:** Malina, Linthicum, Oster, Picard, Gunn.

**Nays:** None.

**Absent:** Nielsen.

A majority of the Board voting aye, the motion carried.

EMS Agreement:  
Patrick Girardin

A motion was made by Trustee Picard and seconded by Trustee Gunn to authorize the Overtime Settlement and Release Agreement with Patrick Girardin in the amount of \$5,666.79.

**Ayes:** Malina, Linthicum, Oster, Picard, Gunn.

**Nays:** None.

**Absent:** Nielsen.

A majority of the Board voting aye, the motion carried.

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Listing Agreement for  
207 East Hanover St.

A motion was made by Trustee Malina and seconded by Trustee Picard to approve the Listing Agreement with Kues Bros. Realty Ltd. to list the property owned by the Village at 207 East Hanover Street in the amount of \$59,900. A Special Agreement within the Listing Agreement states that if John Kues, of Kues Bros. Realty Ltd., sells the property, the commission to him is 3%, otherwise it is a 5% commission to a cooperating broker or 4% to an agent in Kues Bros Realty Ltd.

**Ayes:** Malina, Linthicum, Oster, Picard, Gunn.

**Nays:** None.

**Absent:** Nielsen.

A majority of the Board voting aye, the motion carried.

Variance for 207 East  
Hanover St.

A motion was made by Trustee Picard and seconded by Trustee Gunn authorize the Village to initiate an Area Bulk Variance for the lot size prior to sale of the property, only if necessary.

**Ayes:** Malina, Linthicum, Oster, Picard, Gunn.

**Nays:** None.

**Absent:** Nielsen.

A majority of the Board voting aye, the motion carried.

There being no further business to be brought before the Village Board, a motion was made by Trustee Oster and seconded by Trustee Gunn to adjourn the meeting.

**Ayes:** Malina, Linthicum, Oster, Picard, Gunn.

**Nays:** None.

**Absent:** Nielsen.

A majority of the Board voting aye, the motion carried and the meeting was adjourned at 8:27 p.m.

Teri L Crane, Village Clerk  
Approved: September 6, 2011