



MOLINE COUNCIL MINUTES

Tuesday, July 1, 2022

8:00 AM

Special Meeting

City Hall Council Chambers - 2nd Floor

619 16th Street, Moline, IL 61265

-
- PRESENT:** Mayor Sangeetha Rayapati (*Chair*)
Alderman Alvaro Macias (*Ward 2*)
Alderman Mike Wendt (*Ward 3*)
Alderman Matt Timion (*Ward 4*)
Alderman Sam Moyer (*Ward 5*)
Alderman Mike Waldron (*Ward 7*)
- ABSENT:** Alderman Scott Williams (*Ward 1*)
Alderman Pat O'Brien (*Ward 6*)
Alderman James Patrick Schmidt (*Alderman At-Large*)
- STAFF:** Bob Vitas, City Administrator
Amy Saunders, Deputy City Clerk
Laura Klauer, Civil Engineer
John Lindeman, Sewer Maintenance Manager
Todd Noe, Deputy Chief of Police
Jeff Snyder, Fire Chief
David Rowatt, Information Technology Manager
- OTHERS:** Margaret Kostopulos, Corporation Counsel – Joined meeting at 8:07 a.m.

Mayor Rayapati, called the meeting to order at 8:00 a.m., in Council Chambers.

Council Call to Order

Pledge of Allegiance

Invocation

None.

Roll Call

Roll call was taken with Mayor Rayapati, Aldermen Macias, Wendt, Timion, Moyer and Waldron present. Absent: Aldermen Williams, O'Brien and Schmidt.

Questions on the Agenda

There were no questions.

Non-Consent Agenda

Resolutions

1117-2022. A Resolution authorizing the Information Technology Manager to purchase thirty-two (32) Havis Docking Station 600 Series DS-DELL-601-2 and thirty-two (32) Havis LPS-132 Power adapters from Dell Technologies in the amount of \$26,336.

Approved. Alderman Waldron, seconded by Alderman Wendt, moved to approve Council Bill 1117-2022. Motion carried on roll call with the following vote: ayes: Aldermen Waldron, Macias, Wendt,

Timion and Moyer; nays: none.

1118-2022. A Resolution authorizing the Mayor and City Clerk to execute and attest to a change to the construction contract with Langman Construction, Inc., for Project #1371, Bypass Sanitary Sewer resulting in an estimated increased cost of \$180,350.

Approved. Alderman Wendt, seconded by Alderman Waldron, moved to approve Council Bill 1118-2022. Motion carried on roll call with the following vote: ayes: Aldermen Waldron, Macias, Wendt, Timion and Moyer; nays: none.

Miscellaneous Business

Mayor Rayapati shared this statement with the Council:

“This morning I am duty bound to inform you of an incident that took place yesterday and to remind you all of your roles as legislators.

As you are aware, staff has been working to bring Metronet in line and comply with our right-of-way ordinance in Chapter 6. To that end, we have had to engage the services of our Engineering Department, Police Department, as well as, of course, our Legal Department. This is the right course of action as directed by the City Administrator and follows a reliable process. What is improper is when an alderperson takes matters into his or her own hands and engages with equipment and personnel of those we are working to bring in line, causing damage to property, in this case a cell phone, and putting safety of a worker at risk. This action is outside the bounds of the role of alderman, and I cannot condone it. I have been made aware of this occurrence through the normal course of interacting with staff, a police report, as well as an email from a business owner in the vicinity of where the incident occurred. I urge all of you to hold yourselves to the standards of behavior that befit the seats you occupy.

The work to manage the code violations of this business continues with diligence by our staff. No one alderman has the power to direct staff in this process. I ask the City Council to respect your roles, and respect each other, and respect our staff while this work continues.”

Alderman Timion commented that he was appalled that Metronet continues to violate the City’s ordinance. He is grateful that the City has mechanisms in place to enforce the ordinance. Even though they are slow, they are effective. Alderman Timion further shared that as to the event that happened yesterday, just as much as the City expects contractors to follow the law, the City Council should, too. He stated that the City Council’s standard of behavior in front of contractors and residents is higher than normal. He further explained that the City Council’s role is legislation not enforcement. This was beyond sending videos of harassing workers. It also extended to policing neighborhoods and taking pictures. He thinks that there has been overreach, and it is beyond this and includes overreach with staff, and it has to stop. He shared that the City Council is the only body that can enforce that amongst itself, and he will take an active part in that and hopes everyone else will, as well.

Public Comment

None.

Executive Session:

Alderman Waldron, seconded by Alderman Timion, moved for Executive Session, for the purpose of discussion of Property Acquisition-5 ILCS 120/2(C)(5). Motion carried on roll call with the following vote: ayes: Aldermen Waldron, Schmidt, Williams, Macias, Wendt, Timion, Moyer and O’Brien; nays: none.

City Council convened in Executive Session at 8:07 a.m.

City Council reconvened in open session at 8:32 a.m.

Alderman Wendt advised that he was the alderman involved in the incident yesterday concerning Metronet that the Mayor mentioned earlier in the meeting. He shared that he believes some things have been mischaracterized concerning the incident, and he is not sure that everyone has all the information. Yesterday morning, he was out for a walk with his wife. The night before, he had sent out an email to a number of Council members and staff showing the installation by Metronet, which happened to be close to his neighborhood, advising what was going to happen the next day and to please be assured that after the unanimous vote by Council, the ordinance and all penalties under that chapter would be enforced, and the cease and desist order had been done.

At about 7:30 a.m., yesterday morning, Alderman Wendt was on a walk with his wife by Prospect Park and noticed a Metronet truck installing line. He called City Administrator Bob Vitas immediately and received direction to take pictures and videos and to get license plate numbers documented. Alderman Wendt proceeded as directed and provided the pictures to the Chief of Police. Alderman Wendt's wife also took a video. As Alderman Wendt was walking down the sidewalk, there was a low-hanging cable by his head. He touched the cable while he was taking a picture, at which time a man ran out of his truck and came at him so much so that Alderman Wendt's wife thought he was going to attack Alderman Wendt. His wife videotaped the ensuing discussion between Alderman Wendt and the man. Alderman Wendt advised the man about the rules and that there was a cease and desist in place. He called the man's boss over, and at that point, Darrel was there. Alderman Wendt later learned that when he touched the cable someone dropped their cell phone in relation to him touching the cable. The City has decided to reimburse that person for the phone that was supposedly dropped. Alderman Wendt is going to reimburse the City for the phone. He feels like taxpayer money should not be used for that. Nothing about the phone was said while Alderman Wendt was standing there. One person had said that Alderman Wendt assaulted them, but that accusation went away when Alderman Wendt mentioned that the incident had been videotaped. Alderman Wendt wants to make sure that the record is clear. He would be more than happy to supply any videos or pictures of what happened, because at Mr. Vitas' direction, that is what Alderman Wendt was doing; documenting everything.

Alderman Wendt shared that the police came because Bob called them earlier, as Metronet was blocking off one lane of 16th Street, and part of it was already closed off due to a water main break, making traffic dangerous at the bottom. Darrel had been telling Metronet employees to stop, but they continued, as he and Alderman Wendt stood there, to install line both on 30th Avenue and 16th Street. The police came and documented it. Metronet employees told the police that they had a permit and that it would be there in 45 minutes, which was another lie.

Alderman Wendt wanted to make sure he shared this information, because the characterization earlier in the meeting was not accurate. Alderman Wendt was told by the City Administrator to take those photos and make sure it was documented.

Mayor Rayapati shared that she was simply reminding this Council that Council are not the enforcers, they are the legislators, and that staff is responsible for this enforcement work, and that engaging with anyone on a site is not in the purview of what his job is as a legislator.

Alderman Wendt shared that he was doing it at the direction of the City Administrator, and if she had a problem with the City Administrator, she should take it up with him. Alderman Wendt completely agreed; Darrel was there. Enforcement needs to be done by staff. He could not agree more. But, when Alderman Wendt is walking

down a sidewalk, and there is a wire that he was able to touch without jumping, it is clearly a hazard to the public walking on the sidewalk.

Alderman Waldron mentioned that Alderman Wendt should know that he cannot get involved with random contractors and should not be touching the wires at all. Alderman Wendt responded that he was moving it from his head. Alderman Waldron said this goes above and beyond, and Alderman Wendt agreed and shared that is why he is paying for the supposed phone that was damaged.

Alderman Macias asked Alderman Wendt if Mr. Vitas told him to talk to them. Alderman Wendt clarified that Bob told him to document, but did not ask him to talk to anyone. Alderman Wendt shared that he replied back to the man when he was approached. Alderman Wendt shared that if the City was enforcing its ordinance, this never would have happened. However, he agrees he should have just walked by, followed Mr. Vitas' direction, taken the pictures, documented everything, and talked to Darrel. However, the Metronet employee came running at him. His wife was concerned that he was going to attack Alderman Wendt, and it is videotaped. He talked to the Metronet employee, because he wanted to calm him down. Alderman Wendt feels the higher-ups are actually having the employees do these things. If he had it to do all over again, he would have responded to the Metronet employee.

Mayor Rayapati thanked Alderman Wendt for continuing to urge the entire organization to enforce Chapter 6, because it is important and is Council's direction. Now, the Council simply needs to let Mr. Vitas do the job of directing staff to enforce it. He has done some amazing background homework to understand what has happened in other communities. She is very thankful for that and feels Mr. Vitas is finding a pathway forward.

Mr. Vitas shared his research concerning Metronet and the meeting with utilities providers earlier this week.

Alderman Wendt shared that if Metronet follows the City's ordinance, he does not have a problem with them.

Alderman Wendt shared that Corporation Counsel Margaret Kostopulos confirmed that notice should be going out that all installations that have been done, have been done outside of City Code. Metronet has 10.2 miles out of 22 miles completed. The clock will start on the remaining 11.8 miles today.

Corporation Counsel Kostopulos confirmed that the letter to Metronet would go out today. It will be finalized this morning.

Adjournment of City Council

Upon motion of Alderman Wendt, seconded by Alderman Waldron, the Council meeting adjourned at 8:55 a.m.

The next regularly scheduled City Council meeting is on July 12, 2022. View recorded meetings at <http://www.moline.il.us/CivicMedia?CID=9>

Respectfully submitted,



Amy J. Saunders, Deputy City Clerk