

Regular Meeting Minutes: January 20, 2020

A REGULAR MEETING OF THE OGLESBY CITY COUNCIL WAS HELD ON MONDAY, JANUARY 20, 2020 AT CITY HALL. THE MEETING WAS CALLED TO ORDER AT 7:00 P.M.

PRESENT: COMMISSIONERS ARGUBRIGHT, CULLINAN, CURRAN, LIJEWSKI, MAYOR RIVARA, ATTORNEY JIM ANDREONI AND CITY CLERK EITUTIS.

A MOTION WAS MADE BY LIJEWSKI SECONDED BY ARGUBRIGHT to approve the regular meeting minutes from January 6, 2020 and the working meeting held on January 13, 2020. AYES: ARGUBRIGHT, CULLINAN, CURRAN, LIJEWSKI, RIVARA.

Mayor Rivara asks city Attorney Andreoni for his legal opinion in regards to the actions taken on January 16, 2020 involving the Oglesby Police Department as to who is to be considered to be the Chief of the Oglesby Police Department. Attorney Andreoni reads his legal analysis which includes excerpts and several statutes. Argubright asks if this given to the Council previously? Attorney Andreoni responds stating he was asked to give his legal opinion regarding the matter. Attorney Andreoni states the first question that must be answered is who was the acting Chief of Police prior to the actions of last week? It is Attorney Andreoni's opinion that Jim Knoblauch was the appointed and acting Chief of the Oglesby Police Department. Attorney Andreoni regards his legal analysis which was provided to the Council and City Clerk and included in the meeting packets. Mayor Rivara states that it is the City's position the Chief Knoblauch is the current Chief of Police to which Attorney Andreoni replies "it is his legal opinion." Commissioner Cullinan asks to speak. Commissioner Cullinan states that the previous Chief was removed without the Council's vote; Cullinan states the reason was because he was not appointed. Cullinan quotes Ordinance section 2.33.070. Cullinan states that all workers were appointed in a group and the Chief should have been appointed separately. Mayor Rivara states that Commissioner Cullinan agreed that Chief Knoblauch would remain as the Chief of Police and the Council would appoint Cullinan as the Commissioner of Public Health and Safety. Cullinan agrees that he was appointed as the Commissioner of that department. Commissioner Argubright speaks up and asks for a second legal opinion as it took nine months to reach Attorney Andreoni's legal opinion to which Attorney Andreoni replies that the same legal opinion was reached in August and sent to Commissioner Cullinan and the Mayor. Commissioner Cullinan states that he and the Mayor had a discussion prior to taking office in regards to appointing Knoblauch as the Chief. Commissioner Cullinan feels he did what was best for the department and the people of Oglesby. Commissioner Lijewski takes exception to Cullinan's statement as she states that she has reached out to Cullinan early on to help Commissioner Cullinan mediate and set up meeting and had no luck. Commissioner Cullinan states that Mayor Rivara failed to act as a Mayor to intervene. Commissioner Curran speaks up and takes exception as well. Commissioner Curran said he had reservations as Cullinan taking over as Commissioner over the police department. Curran stated that Cullinan promised he would give every

opportunity for Chief Knoblauch to be successful. Cullinan states that he did. Cullinan states that Knoblauch was never appointed. Commissioner Cullinan feels that the Mayor tries to take his authority away. Mayor Rivara responds to Cullinan by saying that every time they come to an agreement he leaves and does the opposite.

Commissioner Cullinan asks the previous Commissioner to stand up and speak on how he was able to remove the previous Chief of Police? There is no response.

Mayor Rivara asks Attorney Andreoni to read the Ordinance in regards to Public Speaking to those in attendance of the City Council meeting.

Public comments on agenda items only:

Drew Merriman: asks about #8 on the agenda, the reassigning of Commissioners. He feels that Commissioner Cullinan has been mistreated and also suggests bringing in the police officers to speak as well.

Julie Ajster: comments on Attorney Andreoni's legal analysis. She discusses the Police & Fire Board and that an adoption of the code would be necessary. Attorney Andreoni replies that that did happen. Andreoni is not certain of the date that happened. Ajster feels that it has to be voted on to which Andreoni replies that he disagrees in that the municipality can adopt the code. Ajster reads verbiage. Attorney Ajster asks if the Board was properly created? Ajster gives her opinion on the procedures that have taken place.

John Fisher: agrees with Attorney Andreoni's legal analysis. He agrees that the cited statutes are correct that Attorney Andreoni referenced. Attorney Fisher states that the Fire & Police Commission Act was created and adopted within the City of Oglesby. The idea is that the Act protects police officers are protected because of that.

Wendy Biba: Biba asks if the Chief and Commissioner Cullinan along with the Police Officers had met with the Mayor. Mayor responds that Atty. Gary Peterlin acted as a mediator amongst the officers, Chief and Cullinan to try and resolve issues within the department. It was the Mayor's understanding that progress was being made; but was later told that was not true. Biba asks about the empty buildings within the City and would like to see the Council work together to fill those buildings.

Commissioner Cullinan addresses Ms. Biba's in regards to the mediation that took place. Cullinan said the Chief and he had resolved their issue. Cullinan went on to say there was no communication. Commissioner Cullinan believes mediation was a waste of time and money. Commissioner Cullinan believes he has the sole responsibility for the department. Cullinan does not understand why the Mayor over stepped and decided to send the problems within the department to mediation? Cullinan states that the Mayor is aware of the problems and in his opinion does not want to deal with them. Commissioner Lijewski asks if within the past eight months Commissioner Cullinan has been able to make any positive changes. Cullinan states the officers are not happy. Commissioner Curran asks if he feels there is any value in mediation? Commissioner Curran responds "no, that he feels handcuffed." Curran asks why if he feels there was no value why proceed? Cullinan said because the Mayor asks and he didn't want to be disrespectful. Commissioner Curran was understanding no action would be taken while mediation was happening. Commission

Argubright asks for a report in regards to mediation and the progress. Mayor Rivara reads two emails from Commissioner Cullinan to Chief Knoblauch. The emails address policies within the department. Mayor Rivara addresses Commissioner Cullinan in regards to the topics of the emails (door checks, outside employment, meal breaks). Mayor Rivara and Commissioner Cullinan argue over the issue of secondary employment. Mayor Rivara asks Attorney Andreoni if the Commissioner can decide what provisions to enforce and not enforce? Attorney Andreoni states that the City must abide by the contract. Commissioner Cullinan discusses the topics: meal breaks, door checks, secondary employment, Mayor Rivara states that he offered to work out a provision in regards to the schedule. Commissioner Curran asks Mayor to speak. He is told to wait.

A MOTION WAS MADE BY ARGUBRIGHT, SECONDED BY LIJEWSKI to approve bills as presented
AYES: ARGUBRIGHT, CURRAN, LIJEWSKI, CULLINAN, RIVARA.

A & B Garage \$110.64, Air One Equipment 484.95; Airgas USA \$ 86.44; Ameren IL 4122.92; Andax Environmental \$ 375.68; Anixter Inc \$ 32.50; Aqua Smart \$3,713.25; Arrow International \$ 56.00; BPC \$ 1,314.17; Bob's Business Inc \$ 237.59; Chamlin & Assoc \$ 20,761.00; Civic Systems \$2867.00; Clear Gov \$ 1,750.00; Comcast Business \$ 647.28; Comcast Business-14942 4 31103; Complete Integration \$ 8,000.00; Connecting Point 4 19,210.61; Conway Shield \$ 1,033.50; Core & Main \$ 107.00; Debo Ace hardware \$ 277.18; Econo Signs \$738.54; Electronic Supply \$ 59.19; Ficek Electric \$ 618.00; First Impression \$ 2,075.20; Fletcher-Reinhardt \$ 1,542.04; Graphic Electronics \$ 50.00; Halm's Auto Parts \$ 9.98; Hawkins, Inc \$ 441.92; HyVee \$126.94; Il Mun Elec Agency \$ 226.797.00; Il Public Risk Fund \$ 3,652.00 Illini Bank Mastercard \$ 2,992.81; Itron Inc \$S 190.00; John's Service & Sales \$165.00; JULIE Inc \$ 839.52; Kittilson's Garage \$419.51; Mautino Distributing \$ 26.00; Menards \$ 695.95; Mertes, Kari \$ 30.00; Meters & Controls \$2,039.60; \$ Mississippi Valley 2,019.16; Pump \$ 4,677.00; Moore, Laurie \$ 100.00; MTCO \$ 139.87; Myer Equipment \$ 2,019.16; Perona, Peterlin & Andreoni \$ 4,828.50; Republic Services \$ 54,715.46; SCBAS Inc \$ 1,158.24' Secretary of State \$ 10.00; Senica Interstate Towing \$ 350.00; Smart Source LLC \$ 2,868.12; Springfield Electric Supply \$ 1,659.48; St. Margaret's Health \$ 410.00; Starved Rock Media \$ 216.00; Sunrise Supply \$ 129.836; Superior Lamp Inc \$ 700.40; TEST Inc. \$ 16,458.33; USA Bluebook \$ 331.24; Western Sand & Gravel \$ 396.51 **TOTALS \$ 243,617.30**

A MOTION WAS MADE BY LIJEWSKI, SECONDED BY CURRAN to approve the Hazard & Outage Plan. AYES: ARGUBRIGHT, CULLINAN, CURRAN, LIJEWSKI, RIVARA. Commissioner Argubright questions the policy and is told by Attorney Andreoni that it sets forth the policy that was discussed at the 01/13/2020 meeting. Commissioner Curran states it does not change authority levels.

Before the Council votes on ordinance 1104-012020 Commissioner Curran asks the Mayor if can speak in regards to the proposed Ordinance. Mayor Rivara agrees. Commissioner Curran addresses Commissioner Cullinan. He expresses his surprise at the dismissal of Chief Knoblauch and Commissioner Cullinan's actions he took. Question 1) Why was Chief Knoblauch removed immediately and with no consent to the Council, Mayor or City Attorney. 2) If the Chief needed immediate removal was the Assistant Chief not put in as the Chief? 3) If both the Chief and Assistant Chief were not capable to assume the roles, why would you appoint a permanent Chief and not an interim Chief and a Council vote? Commissioner Curran states the

questions are unfair to Officer Padilla and praises him. Curran states that just last week Cullinan agreed over the issue of moving officers around. Commissioner Curran states that he believes Cullinan abused his authority and demonstrated a lack of respect. Commissioner Cullinan responds that he has addressed the problems with the Mayor and that he feels no one wanted to do anything. He feels the Mayor has turned his back on him. Commissioner Cullinan said he did talk to the Assistant Chief and was told that he didn't want "any part of it." Commissioner Cullinan said he spoke with Sergeant Stone as well about advancing. Sergeant Stone also did not want the appointment either. Commissioner Cullinan asks Curran about movement within the department, Cullinan and Curran agree there is confusion about that. Curran asks why Padilla was appointed as Chief without Council approval? Cullinan states that he can remove the Chief if he isn't following directions. Mayor Rivara and Commissioner Cullinan argue back and forth. Commissioner Lijewski questions the hasty removal to which Commissioner Cullinan states it was the ongoing performance of the Chief; that he has failed to complete his duty as Police Chief. Cullinan apologizes for being the bad guy and states he will not run a department like that and stand by his rules and address issues.

Drew Merriman speaks from the audience and is addressed by the Mayor.

Commissioner Argubright suggests going in to closed session to discuss the matters further. Curran said they would not have had to if hasty action had not been taken by Commissioner Cullinan. Argubright comments. Cullinan said he believes Curran doesn't have the power to tell him how to run his department. Curran responds that he was not elected to be the Health & Safety Commissioner. Cullinan says it was based on experience. Cullinan said he has 25 years as an Officer. Curran states the appointments were based on the Council's skill sets. Commissioner Curran feels that Commissioner Cullinan had a personal vendetta to remove Chief Knoblauch. Cullinan said the problem is with the Chief. Curran said bringing proof that warrants Chief Knoblauch's dismissal and he would support it. Cullinan said he wants to bring 4 or 5 guys in on the matter. Curran said he feels Cullinan has failed to prove why the Chief needed to be immediately removed. Commissioner Cullinan feels he never got Curran's support from the beginning. Commissioner Lijewski suggests tabling the Ordinances. Argubright states to vote on it. Argubright feels people are acting on emotions.

A MOTION WAS MADE BY ARGUBRIGHT, SECONDED BY LIJEWSKI to table Ordinance 1104-012020 Reassigning Commissioners to the Positions of Commissioner of Accounts and Finances, Commissioner of Public Health & Safety, Commissioner of Streets and Public Improvements and the Commissioner of Public Property. AYES: ARGUBRIGHT, CULLINAN, LIJEWSKI. NAYES: CURRAN, RIVARA.

A MOTION WAS MADE BY ARGUBRIGHT, SECONDED BY LIJEWSKI to table Ordinance 1105-012020 Amending Ordinance 1074-09032019 Entitled an Ordinance Amending Ordinance 1063-050619 Entitled an Ordinance Amending Various Provisions of Chapter. AYES: ARGUBRIGHT, CULLINAN, LIJEWSKI. NAYES: CURRAN, RIVARA.

A MOTION WAS MADE BY ARGUBRIGHT, SECONDED BY LIJEWSKI to table Ordinance 1103-012020 Amending Chapter 2.33 Police Department of Title 2, Administration & Personnel of the Oglesby City Code. AYES: ARGUBRIGHT, CULLINAN, LIJEWSKI. NAYS: CURRAN, RIVARA.

A MOTION WAS MADE BY CURRAN, SECONDED BY LIJEWSKI to place on file Ordinance 1100-020320 Establishing Rates and Charges for Water and Wastewater Services. AYES: ARGUBRIGHT, CULLINAN, CURRAN, LIJEWSKI, RIVARA. Curran explains that the water rate will have a 5% rate increase for the next five years. Argubright asked what % the rates will be going up to Curran states it doubles initially and then will increase 5% over the next five years. Curran also states that if grants are received or costs are lower that may change.

A MOTION WAS MADE BY LIJEWSKI, SECONDED BY CURRAN Place on file Ordinance 1101-020320 Authorizing the Borrowing of up to \$700,000.00 from Illini State Bank pursuant to Section 8-1-3.1 of the Illinois Municipal Code. AYES: CULLINAN, CURRAN, LIJEWSKI, RIVARA. ARGUBRIGHT ABSTAINS. Argubright explains that the City has not used the funds for two years but it is nice to have.

A MOTION WAS MADE BY ARGUBRIGHT, SECONDED BY LIJEWSKI to Place on file Ordinance 1102-020320 Additional Compensation for employees assuming the role of Event Planners. AYES: ARGUBRIGHT, CULLINAN, CURRAN, LIJEWSKI, RIVARA. Mayor Rivara explains that four City employees have taken the responsibilities of Event Planners and will be compensated \$2,000.00 every year.

A MOTION WAS MADE BY CURRAN, SECONDED BY LIJEWSKI to approve authorization of purchasing Britespan cover for Street Department salt storage. AYES: ARGUBRIGHT, CULLINAN, CURRAN, LIJEWSKI, RIVARA. Curran states that it was on the prior meeting's agenda, however; because of the costs a supermajority vote was required. Four out of five votes are now needed; if not, it would have to go out for sealed bid and would cost the City more money. Mayor Rivara questions Commissioner Curran about the safety and legal rights of the building. Curran cites his reasons for wanting the City to have their own building.

A MOTION WAS MADE BY ARGUBRIGHT, SECONDED BY LIJEWSKI to Approve \$100.00 donation to Oglesby Public School for trivia night to be held on February 1, 2020. AYES: ARGUBRIGHT, CULLINAN, CURRAN, LIJEWSKI, RIVARA. Commissioner Lijewski asks to see a policy on donations.

A MOTION WAS MADE BY LIJEWSKI, SECONDED BY CURRAN to Approve sponsorship donation to Central Region Senior Baseball Regional Tournament for \$2,500.00. AYES: ARGUBRIGHT, CULLINAN, CURRAN, LIJEWSKI, RIVARA. Mayor Rivara states the money comes out of the hotel/motel tax and that it generates revenue for the City. Commissioner Lijewski reads a letter complimenting the City and welcomes them back.

A MOTION WAS MADE BY CURRAN, SECONDED BY ARGUBRIGHT to approve blocking off of street for Color Run to be held on May22, 2020 for Oglesby Public School. AYES: ARGUBRIGHT, CULLINAN, CURRAN, LIJEWSKI, RIVARA.

A MOTION WAS MADE BY ARGUBRIGHT, SECONDED BY CURRAN to approve raffle license applications for Support Oglesby Schools, Holy Family School and IVCC. AYES: ARGUBRIGHT, CULLINAN, CURRAN, LIJEWSKI, RIVARA.

Old Business: none

Public Comment: Greg Stein states he is happy the Council decided to table the Ordinance reassigning Commissioners. Stein then asks who the current Chief of Police is? Mayor Rivara responds that the legal opinion of the City Attorney is that it is Chief Knoblauch. Greg Stein asks if he is on paid leave? Stein has another question but does not proceed.

Commissioner's Reports:

Argubright- none

Lijewski – none

Curran – addresses the flickering lights issue. Curran states that due to the weather there have been delays. GTI upgrades continue to happen. The bridge on East Walnut street has delineators on it now which will now allow for vehicles and there is no weight limit; however, an inspection is necessary every 12 months. The north Columbia lift station has had a new pump installed. Flagger training was done for the street department on January 17, 2020.

Cullinan- none

Greg Stein speaks again: he asks that when the Council returns from closed session that they do not “undo” anything. Curran asks if action can still be taken? Atty. Andreoni states the tabling can be reversed. That it would not violate Robert's Rules of Order.

Flossie Argubright addresses: she asks if the City can get a bobcat and run down the sidewalk of the main street? Curran responds: who is responsible for the sidewalks? Curran said the city is trying to adopt a sidewalk program and will keep residents updated. There is a question about the Schmidt property to which the Mayor responds that the city does not own the building yet. Curran said he will meet with the street department and city attorney and report back.

Mayor Rivara-looking to hire someone to write grants. Also looking to hire an Economic Developer also.

A MOTION WAS MADE BY CURRAN SECONDED BY LIJEWSKI to enter in to closed session at 8:33 p.m. *for the appointment, employment, compensation, discipline, performance, or dismissal of a specific employee or legal counsel for the public body. Also, collective negotiating matters between the public body and its employees or their representative, or deliberation concerning salary schedules for one or more classes of employees. Litigation, when an action against, affecting or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that an action is probable or imminent, in which case the basis for the finding shall be recorded and entered into the minutes of the closed meeting.*

AYES: ARGUBRIGHT, CULLINAN, CURRAN, LIJEWSKI, RIVARA.

A MOTION TO GO BACK INTO OPEN SESSION WAS MADE AT 9:35 p.m. by ARGUBRIGHT, SECONDED BY CURRAN. AYES: ARGUBRIGHT, CULLINAN, CURRAN, LIJEWSKI, RIVARA.

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and the Commissioner of Public Property. AYES: ARGUBRIGHT, CULLINAN, CURRAN, LIJEWSKI, RIVARA.

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Drew Merriman asks the Council who the new department heads will be? Mayor Rivara states: Argubright will handle Finance, Cullinan will handle Parks & Recreation and Curran will handle utilities.

A MOTION WAS MADE BY LIJEWSKI, SECONDED BY CURRAN to accept the City Attorney's legal analysis that Jim Knoblauch is the current Chief of Police. AYES: ARGUBRIGHT, CULLINAN, CURRAN, LIJEWSKI, RIVARA.

A MOTION TO ADJOURN REGULAR MEETING WAS MADE ARGUBRIGHT, SECONDED BY CURRAN AT 9:40 p.m. AYES: ARGUBRIGHT, CULLINAN, CURRAN, LIJEWSKI, RIVARA.

Amy Eitutis, City Clerk.