

A REGULAR MEETING OF THE OGLESBY CITY COUNCIL WAS HELD ON MONDAY, OCTOBER 3, 2022 AT CITY HALL. THE MEETING WAS CALLED TO ORDER AT 7:00 P.M.

PRESENT: COMMISSIONERS CULLINAN, CURRAN, EUTIS, MAYOR RIVARA, CITY ATTORNEY BARRY AND CITY CLERK EITUTIS. ABSENT: ARGUBRIGHT

A MOTION WAS MADE BY CURRAN, SECONDED BY CULLINAN to approve the regular meeting minutes from September 19th, 2022. AYES: CULLINAN, CURRAN, EUTIS, RIVARA. ABSENT: ARGUBRIGHT

Public comments on agenda items only: Greg Stein addresses the council and asks that the Council consider saving some of the trees that will be removed from the Wastewater Treatment Plant and relocate them to the site of the future parking lot where the Reisner Building was located.

Attorney Cody Klinefelter with Herbolsheimer Law Office addresses the council on behalf of his client Mr. Patel. Attorney Klinefelter explains that his client, Mr. Patel had previously applied for a liquor license with the City of Oglesby in hopes of opening a liquor store in Oglesby. Attorney Klinefelter states Mr. Patel owns a liquor store in Lasalle. Attorney Klinefelter states reasons why opening a liquor store would be a benefit to the City and is asking the Council to make a decision regarding his application.

A MOTION WAS MADE BY EUTIS SECONDED BY CURRAN to approve bills as presented for payment. AYES: CULLINAN, CURRAN, EUTIS, RIVARA. ABSENT: ARGUBRIGHT

ACUITY \$ 350.00, AMEREN-ILLINOIS \$25.85, AMEREN-IP \$ 789.20, BARNES JACK \$ 50.00, BENBEFIT PLANNING CONSULTANT \$ 201.10, BUDACH WESLEY \$ 769.89, CHAMLIN & ASSOCIATES \$ 42,500.00, CITY OF OGLESBY \$250,000.00, CIVICPLUS, LLC \$ 900.00, COLUMBIA PIPE & SUPPLY \$ 278.22, CONNECTING POINT \$ 154.50, CONWAY SHIELD \$ 2286.33, CURRAN JASON \$ 344.68, DE LAGE LANDEN FINANCIAL SERVICES \$ 528.91, DICKINSON HOUSE FOUNDATION \$ 56.00, DRESBACH DISTRIBUTING \$ 192.80, DUTTLINGER EVAN \$ 50.00, EITUTIS AMY \$ 264.43, EMERGENCY SERVICES MARKETING INC \$ 735.00, EUTIS TERRY \$236.37, FICEK ELECTRIC \$ 165.00, GLOBE LIFE LIBERTY NATINOAL DIVISION \$ 398.11, GRAPHIC ELECTRONICS INC \$ 700.00, HAWKINS INC \$ 1262.62, HOLLOWAY'S PORTABLE RESTROOMS \$ 400.00, HOPKINS & ASSOCIATES \$ 11,000.00, IL PUBLIC RISK FUND \$ 5511.00, IL SECRETARY OF STATE \$ 10.00, IL VALLEY REGIONAL DISPATCH \$ 6963.09, ILLINOIS STATE POLICE \$ 84.75, IMPACT NETWORKING LLC \$ 174.05, JM TEST SYSTEMS \$ 1395.00 JOHN SENICA JR. \$ 283.42, JOHNS SERVICE & SALES \$ 166.60, KENDRICK PES TCONTROL \$ 260.00, KING TIRE \$ 939.00, KURITA AMERICA INC \$ 4395.70, LASALLE OFFICE SUPPLY \$ 129.96, MCKUNE KELLY \$ 50.00, MENARDS \$ 58.49, MERTEL GRAVEL CO \$ 1184.50, MYER EQUIPMENT & REPAIR \$ 73.59, POMPS TIRE SERVICE INC \$ 310.40, PUTNAM COUNTY PAINTING \$ 76,790.00, QUICK ERIN \$ 91.04. REPUBLIC SERVICES \$ 30,550.96, RIVARA DOMINIC \$ 131.25, SMITHS SALES & SERVICE \$ 472.89. STANDARD INSURANCE-LIFE

\$ 888.81, STAPLES CREDIT PLAN \$ 546.90, SUPERIOR EXCAVATING \$ 18,724.50, TALLMAN EQUIPMENT CO INC \$ 197.43, TECHNOLOGY MANAGEMENT REVOLVING FUND \$ 474.28, TENSION ENVELOPE CORP \$ 1787.00, THE BLUE LINE \$ 298.00, USPS \$ 832.18, USA BLUEBOOK \$ 273.22, VERIZON \$ 167.79, WESTERN AGGREGATES LLC \$ 341.06 TOTALS: \$472,856.37

A MOTION IS MADE BY CURRAN, SECONDED BY EUTIS to approve the audit as presented by Hopkins & Associates, CPAs. AYES: CULLINAN, CURRAN, EUTIS, RIVARA. ABSENT: ARGUBRIGHT. Samantha Casey from Hopkins & Associates gives the audit presentation. Commissioner Curran questions how much of the monetary increases are not coming from water and sewer and states he would like to use that information when it comes time to not raise property taxes. Ms. Casey gives explanation about the different funds and what effects the increases and decreases for those funds. Commissioner Curran asks for a statement for the water and sewer funds from Ms. Casey. Mayor Rivara discusses upcoming projects; such as a second feed and increasing the Mallick substation. Ms. Casey gives further explanation of the audit numbers.

A MOTION IS MADE BY ARGUBRIGHT, SECONDED BY EUTIS to approve the bid for tree removal at the Wastewater Treatment Plant. AYES: CULLINAN, CURRAN, EUTIS, RIVARA. ABSENT: ARGUBRIGHT Commissioner Curran states he does not want to waste time by changing the bid and wants to move forward in order to be ready for funding for the Wastewater Treatment Plant.

A MOTION IS MADE BY CURRAN, SECONDED BY EUTIS to approve the quotes for replacement traffic light control boxes. AYES: CULLINAN, CURRAN, EUTIS, RIVARA. ABSENT: ARGUBRIGHT Commissioner Curran explains the lights located at the college can have work begin tomorrow (10/04/2022). The parts for the stoplights located at Marquette are expected to arrive on October 20th, 2022 Commissioner Curran states. Commissioner Curran states the original quote was for \$26,000 and it is in fact \$ 18,500. Curran states that correct amount is below the level that needs council approval. Commissioner Curran discusses the status of the lights at Marquette Road and possible additional fixes after the initial parts come in. Commissioner Curran states the lights at Mallick Road are expected to be covered under insurance. Commissioner Eutis asks where the funds for the \$18,500 are coming from to which Commissioner Curran states he is planning on using ARPA funds for the repairs. Commissioner Curran states he would like to be able to show the County that the city has been utilizing the funds.

A MOTION IS MADE BY CURRAN, SECONDED BY EUTIS to approve the request for the Oglesby Public School District 125 to close a portion of Bennett Avenue on October 21, 2022. AYES: CULLINAN, CURRAN, EUTIS, RIVARA. ABSENT: ARGUBRIGHT.

A MOTION IS MADE BY CURRAN, SECONDED BY EUTIS to approve the solar application and building permit for Daryl Baker. AYES: CULLINAN, CURRAN, EUTIS, RIVARA. ABSENT: ARGUBRIGHT. Commissioner Curran states he has one concern which is that there is not a statement in the application that states the customer is to remove the solar panels if they should become unfunctional. Commissioner Curran does not see that verbiage in the current application. Commissioner Curran states he has looked at the net metering ordinance and policy

and cannot find that verbiage. Attorney Barry states that the net metering policy had modifications made. Mayor Rivara asks if the solar application has to be inspected after it is installed? To which Commissioner Curran replies that it does and states it is noted on the application. Attorney Barry suggests approving the application with the necessary verbiage. Commissioner Curran discusses what is required in the application package/process. Commissioner Curran makes the motion but notes it is “pending the possible need for having the statement that states dismantling it.” Mayor Rivara questions if it will be inspected before voting. To which he is told yes.

A MOTION IS MADE BY CURRAN, SECONDED BY EUTIS to deny the liquor license application for J. Patel. AYES: NONE NAYS: CULLINAN, CURRAN, EUTIS, RIVARA ABSENT: ARGUBRIGHT Commissioner Curran stated he did some research on local stores in Oglesby in regards to what is offered locally. Commissioner Curran feels the council does not normally get a say in regards to what businesses come to Oglesby but when it concerns a liquor license they do. Commissioner Curran states there are four categories he is concerned about, they are: is it good for residents? Is it good for businesses? Is it good for economic development? Is it a moral and good business? Commissioner Curran gives his opinion in regards to the potential size and hours of operation for the proposed business. Commissioner Curran states he does not see a benefit. Commissioner Curran states he purchased an object (holds it up for the attendees to see). Commissioner Curran states it was purchased legally and believes it to be a crack pipe. Commissioner Curran does not see a benefit to having a store sell said merchandise. Mayor Rivara questions the legality of the item shown. Commissioner Eutis states it is probably being sold under a different use. Mayor Rivara asks what a different use would be? Commissioner Cullinan states something about recreational smoke (inaudible). Commissioner Curran gives further information about the object in question. Commissioner Curran again states he sees no benefit to selling said merchandise. Commissioners Curran and Cullinan discuss the various merchandise available. Commissioner Eutis states he feel a “crack pipe has any benefit to being in Oglesby Illinois and does not want to support a business that sells them.” Attorney Barry states action should be taken on the matter to either deny or grant the liquor license. Mayor Rivara states he cannot make the motion. Commissioner Curran states he is not just voting no he is voting hell no. Commissioner Cullinan questions what is going to be sold in the proposed liquor store before he votes? Mayor Rivara asks Mr. Patel if he would like an opportunity to speak. Mr. Patel’s attorney Cody Klinefelter asks for a minute to speak with his client. Commissioner Curran states the receipt for the item purchased is in the bag if anyone would like to see it. Council members and Attorney Barry make small talk while waiting for Attorney Klinefelter. Attorney Klinefelter states his client believes the item in question is used for recreational marijuana. Attorney Klinefelter states that Mr. Patel would not include the particular novelty item in question in his store and that Mr. Patel intends to offer liquor, soda and water and that Mr. Patel would hope to have a better selection at his business and would intend to tailor to his customers. Attorney Klinefelter states he is not aware of any issues with Mr. Patel’s LaSalle location. Commissioner Curran agrees with the idea of having more options and gives his opinions an examples. Commissioner Curran was to continue on with his opinion but decides against it. Attorney Klinefelter again states he is not aware of any issues with the City of Lasalle. Attorney Klinefelter states his client’s goal is to bring a Mom & Pop shop to Oglesby and fill the vacate building. Commissioner Curran asks if Mr. Patel is aware of the size of the business. Attorney Klinefelter states there are modifications being made and that

Mr. Patel is working on that and hopes to have a similar size to the LaSalle location. Inaudible talking....Mayor Rivara states there is a motion on the floor to deny.

Old Business: Mayor Rivara states an email was sent out to the Commissioners regarding the Oakwood water issue. Mayor Rivara reads the email. Mayor Rivara states he has concerns about a resident that has filled the swail in the back of his house. Mayor Rivara states it has not caused flooding in basements yet but has caused water to flow to the neighbors to the North and states this is part of the problem on Oakwood. Mayor Rivara believes this has been an issue for a long time. Mayor Rivara gives details on correcting the issue. Mayor Rivara states if anyone would like to speak on the matter they should do so. Tony Stefanelli addresses the Council. Mr. Stefanelli discusses the estimated costs involved in relocating the utilities and swail which were \$17,000 and states the Mayor described an \$8500.00 repair. Mr. Stefanelli states that the residents would accept the \$8500.00 repair as opposed to the \$17,000 repair. That it would be acceptable thus avoiding having to move utilities. Mr. Stefanelli discusses a similar issue from 2005. Mr. Stefanelli feels they have worked diligently on this issue, keeping in mind the cost and feels what they are asking is fair and do not want to set a bad precedent. Mr. Stefanelli states the residents are looking to have the same repairs done. Commissioner Curran discusses the \$8500.00 repair estimate. Commissioner Curran states that he recalls that repair would not correct the issue when there is heavy rainfall. Scott Stavrakas addresses the council and discusses specifics of water issues and a possible solution to the problem. Mr. Stefanelli states that during a previously heavy rainfall a City employee put a pump in to alleviate some of the flooding and states it did help the situation. Commissioner Curran states there are two Commissioners that have not given their opinion on the matter and was hoping to hear from them. Mr. Stefanelli states the residents are on the Mayor's side and that fixing this issue will have benefits. Mr. Stefanelli discusses the financial aspects of making the repairs. Mr. Stavrakas discusses his concerns in regards to the regrading of the area when it should happen. Mayor Rivara states he does not want to disturb the underground cables in the area and states there are a number of projects that have to be done to maintain reliable service. Mr. Stavrakas again discusses the swail. Mr. Stefanelli discusses the regarding issue as well briefly. Mr. Stefanelli offers suggestions to the council. Commissioner Curran states that the issue of who is responsible for fixing the problem could have been done better. Mr. Stefanelli agrees a lot of things could have been done better. Mr. Stefanelli appreciates the opportunity to speak. Commissioner Eutis discusses the similar issue that occurred in 2005 and what the advice of the City Attorney at the time was. Commissioner Eutis states the current City Attorney is stating it is not the city's responsibility to make the necessary repairs. Commissioner Eutis states he is in favor of making the necessary fixes but wants to make sure the comparisons are the same. Mr. Stefanelli gives his opinions as to what may have led to the current flooding issues. Commissioner Curran states if the City were told they had made a mistake and had to fix it he would have no issue whatsoever; however, he states he is curious as to what led to possibly set precedent. Mr. Stefanelli states they continue to have the conversation or do something about it. Commissioner Curran states his concern is how to apply the situation should a much more costly repair be necessary. Mr. Stefanelli states the parties would need to do their due diligence as the residents in attendance have done. Mr. Stefanelli feels the cost of the repair should not be an issue. Commissioner Curran agrees that the cost is not the issue. Commissioner Curran's has concerns about future potential repairs. Mr. Stefanelli states he is here before the council now asking for

repairs and feels that everything has been done up to this point and feels what the residents are asking is fair. Mayor Rivara states he doesn't know who made the decision to not address the problem in the past. Mayor Rivara states he has concerns regarding a resident who filled in the swail behind his house. Mr. Stefanelli states none of the residents in attendance have moved anything. Mr. Stefanelli states he wants the council to vote in favor of the repairs and asks the council to vote on it. Commissioner Curran states the City has already spent money on the engineering fees and was hopeful to hear a counter offer for the repairs. Commissioner Curran feels it would be easier in regards to setting precedent in the future and asks if the residents are willing to offer to pay for a certain percentage? Mr. Stefanelli states this repair is the same as the one that had been done in the past that will alleviate the problem. Mr. Stefanelli states he and Commissioner Curran have had the discussion previously and states he does not have to vote for it but does ask him to and states he would be helping the residents. Commissioner Eutis asks if he (Mr. Stefanelli) is voting no to paying a certain percentage? Mr. Stefanelli states no, not for the \$8,500 repair. Commissioner Eutis states it is not about the money, and states there is not enough known about what occurred in 2005. Commissioner Eutis proposes the residents pay 25% of the repairs and the city pay 75% of the repairs. Mr. Stefanelli addresses the concerns about setting a precedent for future repairs but also asks if the residents were not required to pay in 2005 why should they? Commissioner Curran states it is not known if it is the same situation. Mr. Stefanelli states the council has the option to look back through the records. Commissioner Curran asks the City Clerk if there is a possibility of finding a bill for the work that was done in 2005. Mr. Stefanelli asks the council to take action and states the Mayor is in favor of solving this issue and states it is not a controversial issue. Commissioner Curran asks to hear what the other 40% of the council has to say on the matter. Commissioner Cullinan asks if fault lies with the builder? Mayor Rivara responds by stating the water was supposed to flow to McPhederan Park. Commissioner Cullinan states the Council is somewhat responsible for helping fix the problem. Mr. Stefanelli states that everyone has a responsibility and states that as homeowners they have a legal liability to discuss that water issues. Commissioner Curran discusses the costs of differences should future repairs occur. Mr. Stefanelli thinks should the time come a conversation would be necessary. Commissioner Curran proposes the City pay for the \$8500.00 repair and should a larger repair be necessary the council and homeowners would have to meet and come to an agreement. Mr. Stavrakas reminds of the regarding if the time comes to do the necessary larger repairs.

A MOTION IS MADE BY EUTIS, SECONDED BY CURRAN for the City of Oglesby to cover the \$8,500.00 repairs on Oakwood. AYES: CULLINAN, CURRAN, EUTIS, RIVARA. ABSENT: ARGUBRIGHT

Public Comments: Ken Ficek addresses the council and states that he has talked to Commissioner Curran about a statement made at the last council meeting and states he wants to assure the Council and people of Oglesby that the Plan Commission reacts very quickly to anything that is given to them and there are no issues other than a current rezoning matter. Mr. Ficek states if there are other issues they have not been sent to the Plan Commission. Commissioner Curran states he is not upset with the Plan Commission but states he has concerns that there are issues that have not been sent to the Plan Commission that have been voted on.

Commissioner Reports:

Argubright: absent

Eutis: none

Cullinan: none

Curran: 10/17/2022 is branch chipping, 10/24/2022 is leaf vac, 10/17/2022 is hydrant flushing and the EZ is set to be installed on 10/04/2022. Commissioner Curran states his concern with the Plan Commission is that he meant by his previous statement that he will not vote to approve anything else to send to the Plan Commission until actions are taken on previous items.

Mayor's: Trick or Treat will be on 10/31/2022 from 5:00-7:30 p.m. and urges residents to use caution while Trick or Treating. Mayor Rivara states Ameren has filed with Il Commerce Commission to build a second feed to Oglesby. Mayor Rivara states the project is overdue but will help with the city's reliability. Mayor Rivara states they will need to double the size of the Mallick Substation to meet the increase with the load demand. Mayor states the city is working with the State is have charging stations installed in town and by the interstate.

A MOTION TO ADJOURN WAS MADE BY EUTIS SECONDED BY CURRAN. AYES: CULLINAN, CURRAN, EUTIS, RIVARA. ABSENT:ARGUBRIGHT

Amy Eitutis, City Clerk