

**OGLESBY CITY COUNCIL
MONDAY, JUNE 3, 2024**

The Oglesby City Council meeting was called to order at 7 p.m. by Mayor Jason Curran.

PRESENT: Commissioners Rich Baldrige, Gregory McDermott, Tony Stefanelli and Mayor Jason Curran. City Attorney Pat Barry and City Clerk Becky Clinard were also present.

Curran asks that Agenda Items #22 and #23, which pertain to executive session minutes and the recording be removed. He also asks that the item addressing the Police Chief's pay be removed, citing his desire to address other employees' pay first. He then questioned whether the council should appoint a commissioner, noting that it had only been six days since Terry Eutis had officially resigned. Stefanelli disagreed with removing the commissioner appointment, saying that everyone had received the applications and had had time to review them.

A MOTION WAS MADE BY Stefanelli, **SECONDED BY** McDermott to remove items #22 and #23, as well as the ordinance addressing the police chief's pay from the agenda. **AYES:** Baldrige, McDermott, Stefanelli, Curran. **NAYS:** None. **MOTION CARRIED.**

PUBLIC COMMENT ON AGENDA ITEMS (None)

A MOTION WAS MADE BY Stefanelli, **SECONDED BY** , to approve the May 6, 2024, regular and executive session minutes. **AYES:** Baldrige, McDermott, Stefanelli, Curran. **NAYS:** None. **MOTION CARRIED.**

A MOTION WAS MADE BY Stefanelli, **SECONDED BY** Baldrige, to approve the bills presented for payment in the amount of \$256,564.86. **AYES:** Baldrige, McDermott, Stefanelli, Curran. **NAYS:** None **MOTION CARRIED.**

BILLS PRESENTED FOR PAYMENT TOTAL \$256,564.86.

A MOTION WAS MADE BY Stefanelli, **SECONDED BY** McDermott, to approve the May 24, 2024 payroll in the amount of \$111,801.49. **AYES:** Baldrige, McDermott, Stefanelli, Curran. **NAYS:** None. **MOTION CARRIED.**

A representative from the Illinois Municipal Electric Agency awarded a plaque and \$1,000 scholarship to Aiden Anderson, who was one of four finalists for the annual IMEA scholarships. Aiden and his family were present for the award.

A representative from SURF Internet then addressed the council and audience, telling them that SURF was dedicated to solving the issues from construction, citing material delays as the reason the company has not finished. "We're on this," she said. She offered to meet with any customers with concerns in the conference room after her presentation.

A MOTION WAS MADE BY McDermott, **SECONDED BY** Stefanelli, to place on file the 2020-23 Motor Fuel Tax audit. **AYES:** Baldrige, McDermott, Stefanelli, Curran. **NAYS:** None. **MOTION CARRIED.**

Curran then gave a brief overview of the ordinances concerning the amended TIF VI, explaining that the purpose was to add the downtown area back into a TIF to allow the council to continue offering

incentives to businesses who wish to locate in the area. He also hinted at plans to offer more incentives in the future.

A MOTION WAS MADE BY Stefanelli, **SECONDED BY** McDermott, to approve Ordinance No. 1249-060324, which approves the first amendment to TIF VI. **AYES:** Baldrige, McDermott, Stefanelli, Curran. **NAYS:** None. **MOTION CARRIED.**

A MOTION WAS MADE BY McDermott, **SECONDED BY** Baldrige, to approve Ordinance No. 1250-060324, which designates the amended Redevelopment Project Area. **AYES:** Baldrige, McDermott, Stefanelli, Curran. **NAYS:** None. **MOTION CARRIED.**

A MOTION WAS MADE BY McDermott, **SECONDED BY** Baldrige, to approve Ordinance No. 1251-060324, which adopts Tax Increment Allocation Funding. **AYES:** Baldrige, McDermott, Stefanelli, Curran. **NAYS:** None. **MOTION CARRIED.**

A MOTION WAS MADE BY Stefanelli, **SECONDED BY** Baldrige, to place on file the recommendation from the Zoning Board of Appeals on the Lunger variance request. The Lunger's asked the council to approve a lesser rear setback. **AYES:** Baldrige, McDermott, Stefanelli, Curran. **NAYS:** None. **MOTION CARRIED.**

A MOTION WAS MADE BY Stefanelli, **SECONDED BY** McDermott, to approve the May 24, 2024, payroll in the amount of \$111,801.49. **AYES:** Baldrige, McDermott, Stefanelli, Curran. **NAYS:** None. **MOTION CARRIED.**

A MOTION WAS MADE BY Stefanelli, **SECONDED BY** McDermott, to have Attorney Barry draft an ordinance approving the Lunger variance request. **AYES:** Baldrige, McDermott, Stefanelli, Curran. **NAYS:** None. **MOTION CARRIED.**

A MOTION WAS MADE BY Stefanelli, **SECONDED BY** McDermott, to approve the May 24, 2024, payroll in the amount of \$111,801.49. **AYES:** Baldrige, McDermott, Stefanelli, Curran. **NAYS:** None. **MOTION CARRIED.**

A MOTION WAS MADE BY Stefanelli, **SECONDED BY** McDermott, to approve Ordinance No. 1252-060324, which grants Nick and Aly Augustyniak a rezoning from R2 to B4 to accommodate the building of a shop for their construction business on Walnut St. **AYES:** Baldrige, McDermott, Stefanelli, Curran. **NAYS:** None. **MOTION CARRIED.**

Baldrige then asked the council to place on file several agreements with the IMEA concerning the Mallick Substation. These agreements were reviewed by Barry and should be ready to approve at the next meeting.

A MOTION WAS MADE BY Baldrige, **SECONDED BY** Stefanelli to place on file Ordinance No. 1253-061724, Construction Agreement with Ameren for Mallick Road Delivery Point Project. **AYES:** Baldrige, McDermott, Stefanelli, Curran. **NAYS:** None. **MOTION CARRIED.**

A MOTION WAS MADE BY Baldrige, **SECONDED BY** McDermott to place on file Ordinance No. 1254-061724, Wholesale Connection Agreement with the City of Oglesby, Ameren and IMEA **AYES:** Baldrige, McDermott, Stefanelli, Curran. **NAYS:** None. **MOTION CARRIED.**

A MOTION WAS MADE BY Baldrige, **SECONDED BY** Stefanelli to place on file Ordinance No. 1253-061724, Construction Agreement with Ameren for Mallick Road Delivery Point Project. **AYES:** Baldrige, McDermott, Stefanelli, Curran. **NAYS:** None. **MOTION CARRIED.**

Curran asked the council to approve decreasing the number of Class D Liquor licenses from three to two, noting that that would prompt a request from anyone wishing to locate a gaming parlor in the city to seek council approval.

A MOTION WAS MADE BY McDermott, **SECONDED BY** Stefanelli to approve Ordinance No. 1255-060324, which reduces the number of Class D Liquor Licenses to two. **AYES:** Baldrige, McDermott, Stefanelli, Curran. **NAYS:** None. **MOTION CARRIED.**

A MOTION WAS MADE BY Baldrige, **SECONDED BY** Stefanelli to place on file Ordinance No. 1258-061724, which allows the use of city-owned property for a solar generating facility and authorizes the execution of a Generation Siting and Operating Agreement with the IMEA. **AYES:** Baldrige, McDermott, Stefanelli, Curran. **NAYS:** None. **MOTION CARRIED.**

A MOTION WAS MADE BY Stefanelli, **SECONDED BY** McDermott to approve Ordinance No. 1257-060324, which modifies the golf cart licensing requirements. Curran told the council that the changes were prompted by the clerk's office and the chief of police and are minor language changes. The biggest change is in the renewal date. **AYES:** Baldrige, McDermott, Stefanelli, Curran. **NAYS:** None. **MOTION CARRIED.**

Curran then asked the council to approve the annual agreement with Chuck Trovero that allows the city to use the property on Walnut Street as a parking area for Summer Fun Fest. In exchange, the City mows the lots during the summer.

A MOTION WAS MADE BY Baldrige, **SECONDED BY** Stefanelli to approve the agreement with JLN Holdings for Summer Fest Parking. **AYES:** Baldrige, McDermott, Stefanelli, Curran. **NAYS:** None. **MOTION CARRIED.**

Curran then read a statement concerning the appointment of a commissioner to fill the seat vacated by Terry Eutis. Curran said he was not successful in getting a definitive answer on who has the authority to appoint the next commissioner after consulting with the Attorney General Opinion Bureau and State Elections Board. Curran wanted to delay the vote until the matter was resolved, noting a "similar" incident involving the sale of a bucket truck that was delayed while the Attorney General's office had a chance to review the case. Curran contended that the appointment of a commissioner was more important than a bucket truck.

Baldrige countered with his opinion that the council was capable of interpreting the statute and that they should proceed with the appointment. Barry said he felt the statutes were in conflict, noting that one statute specifically applies to the commissioner form of government and rest of the municipal code applies to everything that's not addressed in the commissioner form or government. The timing of the appointment is important, according to Barry, noting that it is more than 28 months since the term expires. Barry said that in his opinion, the authority reverts back to the commissioner form of government which would mean that "the remaining members of the council shall appoint" someone to fill the seat.

Curran said he felt that the statute was in err and pressed for clarification before taking any action. Stefanelli then pulled up a copy of the statute, (65 ILS 5/4-3-4), pointing out that the statute is clear about the council appointing the commissioner. He then pulled up a copy of the Illinois Municipal League Fact Sheet that appeared to support his case. Stefanelli then played a portion of the meeting in which Terry Eutis was appointed commissioner in 2023. The video shows Mayor Dom Rivara deferring to Curran, who made the motion to appointment Eutis without any recommendation from Rivara. Stefanelli said that the video further supported his case by showing what was done in the past.

Discussion continued until it was clear there was not a majority that supported Curran's request to wait until the Attorney General issued a ruling on the matter.

Public Comment on any topic

Austin Cullinan offered his interpretation of the statute 3.1.10-50, saying that he felt that the link to the general statute was in reference to how the election should be held, not whose appointment it was. He asked Attorney Barry if he agreed. "That's exactly how I interpret it," said Barry, "it's very confusing."

COMMISSIONERS REPORTS:

Tony Stefanelli, Accounts and Finance

- Announced that annual audit starts Tuesday and asked that others limit their requests to the clerk's office for the week.

Gregory McDermott, Streets, Water and Sewer

- Hydrant flushing starts June 3
- Told residents that the street department will get to the branches knocked down during the last storm soon.

Rich Baldrige, Public Property

- Talked about Bark in the Park, noting that \$1,140 was raised in donations for the dog park equipment. Doug Dellinger donated the proceeds from his photo booth to the project.
- Wes Black's first disc golf tournament netted \$1,000 for IVAR and was well attended.
- EV charging stations are coming to Oglesby. The city will use a \$12,000 grant from the IMEA to offer 4 ports for a cost of \$6,000 to the city.
- Thanked We Are Oglesby for cleaning the monuments in Memorial Park before Memorial Day
- Talked about some opening day breakdowns the pool encountered and thanked Full Circle Industrial for helping getting the pumps back up and running.
- Announced Summer Fun Fest will be June 13-16.

Mayor's Report

- Reminded residents of the Oglesby Ambulance's pork chop dinner on June 3.
- Taylor Swift tickets are still available.
- Gave an update on Summer Fun Fest.

A MOTION WAS MADE BY McDermott, **SECONDED BY** Stefanelli to enter into executive session to discuss the *"appointment, employment, compensation, discipline, performance or dismissal of a specific employee or legal counsel for the public body"* 5 ILCS 120/2(c)(1) and *"the selection of a person to fill a public office, as defined in the OMA, including a vacancy in a public office, when the public body is given the power to appoint under law or ordinance. 5 ILCS 120/2(c)(3)* at 7:47 p.m. **AYES:** Baldrige, McDermott, Stefanelli, Curran. **NAYS:** Curran. **MOTION CARRIED.**

The council reentered regular session at 8:40 pm. **PRESENT:** Baldrige, McDermott, Stefanelli, Curran.

Curran thanked the six persons who applied for the commissioner seat, then said that he felt the person who was selected was the best person to fill the 10-month term based on his past experience.

A MOTION WAS MADE BY McDermott, **SECONDED BY** Baldrige to appoint Don Finley to fill the position of commissioner. **AYES:** Baldrige, McDermott, Stefanelli, Curran. **MOTION CARRIED.**

A MOTION WAS MADE BY Stefanelli, **SECONDED BY** Baldrige to table the drafting of updated ordinances to address COLA increases for the City Clerk and Ambulance Director, noting that the new commissioner should be involved in those discussions. **AYES:** Baldrige, McDermott, Stefanelli, Curran. **NAYS:** None. **MOTION CARRIED.**

A MOTION WAS MADE BY Stefanelli, **SECONDED BY** Baldrige to adjourn at 8:45 p.m. **AYES:** Baldrige, McDermott, Stefanelli, Curran. **MEETING ADJOURNED.**