



**REGULAR COUNCIL MEETING MINUTES OF THE
CITY OF NEOGA
HELD IN THE CITY COUNCIL CHAMBERS, MUNICIPAL BUILDING
533 CHESTNUT AVENUE, NEOGA, IL
OCTOBER 11, 2022**

CALL TO ORDER

The meeting was called to order at 7:00 p.m. by Mayor Hartke. The Pledge of Allegiance was recited. Those present were Commissioners Groves, Edwards, Hakman, and Mayor Hartke. Others present were City Clerk Brenda Evans, City Treasurer Diana Foor, Chief of Police Andy Schabbing, Building Inspector Jeff Morrison, Engineer Narendra Patel, Dean Fearday, Marcia Fearday, Dave Fearday, Ryan Magnani, Cathy Strohl, Taylor Walk, Brad Oyer, and Neoga News Editor Billie Chambers.

MINUTES

After reviewing the regular session minutes from August 22, 2022, Commissioner Groves made a motion to approve the minutes as presented. The motion was seconded by Commissioner Hakman Ayes, Commissioner Groves, Hakman, and Mayor Hartke. Nays, none. Commissioner Edwards abstained. Motion carried. 3-0.

PUBLIC AFFAIRS, MAYOR HARTKE

ORDINANCE #1046-08-22 An Ordinance Authorizing the Execution of a Release of Lease

After reviewing the ordinance, Commissioner Edwards made a motion to accept the ordinance as presented. The motion was seconded by Commissioner Hakman. Ayes, Commissioner Edwards, Hakman, Groves, and Mayor Hartke. Nays, none. Motion carried. 4-0.

PURCHASE OF A SECURITY SYSTEM FOR POLICE AND MUNICIPAL BUILDING

Police Chief Schabbing informed the Council that the two quotes for security systems would allow the city to have a record of who and when people enter the buildings as well as allow access to the buildings remotely. After a brief discussion, it was the council to review the quotes and discuss at a later date.

PURCHASE OF RADAR SPEED TRAILER

Chief Schabbing said that he was able to get a quote for a new speed trailer in the amount of \$12,137. Schabbing explained that there is a possibility that Shelby County may have a trailer for sale soon. It was the consensus of the council to table until more information was received.

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NEW POLICE TRAINING MANDATES

Chief Schabbing introduced Andy Oyers to the Council. Mr. Oyers said that he was with the Illinois Mobile Training board and explained the new training requirements that all officers are required to take. Oyers said that the biggest training issue is the use of force with role playing. Schabbing also said that the training is both online and in person. Schabbing said that the online training was not preferred, because most people just click through the answers until the correct one is entered.

RECEIVE AND FILE ADVISORY REPORT

The council received an advisory report from the Board of Zoning Appeals and Planning. After reviewing the report, Mayor Hartke asked that the report be filed in the City Clerk's office.

PUBLIC COMMENTS

Mayor Hartke explained that he had received five comment cards. The first card received was from Debbie Thomas. Ms. Thomas told the Council that during the public hearing, the solar company representative said that the solar power from the panels would be tapping into the sub-station by the Neoga Market. Thomas said she had done some research about lithium batteries and discovered that they can be very dangerous. Thomas said that residents on Walnut Avenue, less than one block away from the sub-station, have reported cancer in almost every household since 1996. Thomas asked the Council again to deny the variance request to allow solar.

Mayor Hartke called Cathy Strohl next. Ms. Strohl said that she sees solar panels across her house every day, as well as insects if the Council grants the solar panels within the city or its extra territorial area. Strohl said that the Zoning Board said no to the solar panels by the school because people would have to look at them. Strohl said that the people that live outside our community should not have to look at them either. Cathy Strohl asked the council to deny the variance for both solar farm requests.

Mayor Hartke thanked Ms. Strohl, and then called on Sarah Walk. Ms. Walk said that her and her husband have agreed to purchase a house across the street from the proposed rail solar farm. In 2019, Ms. Walk had two brain aneurysms. Although she is fully recovered, she still gets headaches, and she has concerns on what the health issues from solar panels might be. Walk also asked that once the 20 years are up, who will be responsible for removing the "temporary" panels, and what happens if the tax credits are changed by the government. Ms. Walk also asked that the council deny the variance.

Up next was Ryan Magnani, representative with US Solar. Mr. Magnani told the council that the solar panels are completely safe, or they would not be installing them around the world. He knew that the Grove Solar Garden was going to be a hard sale, but the U S Rail Solar Garden would bring great benefits to the City of Neoga. Mr. Magnani said that the zoning board held four votes that were 3 to 3 until the last one was 4 to 2, so they were very divided with the U S Rail Solar Garden.

Next up was Dean Fearday. Fearday explained that the U S Rail Solar Garden would create five megawatts of electricity which would power fourteen homes. He explained that if the panels have a glare, then they are not working correctly, and the company will be losing power. He also explained that the battery systems will have multiple layers of protection inside a building, which has a concrete base and a catch basin. Mr. Fearday asked the Council to grant the variance.

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VARIANCE FOR GROUND MOUNTED SOLAR ENERGY SYSTEM

Mayor Hartke said that they will be discussing the U S Grove Solar Garden first. Commissioner Hakman said that he attended both public hearings held by the Board of Zoning Appeals and the board was unanimous about the U S Grove Solar Garden. Because of the public hearings, Commissioner Hakman made a motion to deny the variance for U S Grove Solar Garden. The motion was seconded by Commissioner Groves. Ayes, Commissioner Hakman, Groves, Edwards, and Mayor Hartke. Nays, none. Motion carried. 4-0.

The variance for U S Rail Solar Garden was discussed next. Commissioner Hakman said he does not like to tell a property owner what they can and cannot do with their property. He explained that he spoke with the DeKalb tax assessor and discovered that the solar garden will bring tax dollars to area taxing districts and additional beneficial like tax credits and energy. Hakman said that the proposed area is not likely to be developed for the next 20 years, and he might be in favor of the variance. Commissioner Edwards said that he is not in favor of the variance because he remembers what happen with the peak power plant. Edwards said that he spoke with Mr. Magnani and asked if the company could sell to another company and was told that it could happen. Edwards said that he understood that if it did sell, the new company did not have to honor the same contract and he would not vote to grant the variance. Commissioner Groves said that he agreed with Commissioner Hakman about not wanting to tell property owners what to do with their property so he would vote for the variance.

Mayor Hartke thanked everyone for coming to the meeting and voicing their concerns and desires. Hartke said that he does not like putting restrictions on people's property, but he has numerous health concerns and would not vote to grant the variance. After a brief discussion, Commissioner Edwards made a motion to accept the recommendation. However, there was not a second. Commissioner Groves made a motion to grant the variance request. The motion was seconded by Commissioner Hakman. Ayes, Commissioner Groves, and Hakman. Nays, Commissioner Edwards and Mayor Hartke. Motion did not pass due to the lack of a supermajority vote. City Clerk Evans explained that the variance is denied due to the lack of supermajority vote. In the zoning code, a supermajority vote of the board is required which is 3.333 of 5 even without all five board members present.

FINANCE, COMMISSIONER GROVES

TREASURER'S REPORT

After reviewing the treasurer's report, Mayor Hartke ordered that the treasurer's report be filed in the City Clerk's records.

IMLRMA INVOICE

City Clerk Evans explained the IMLRMA invoice is for the 2023 insurance. Evans explained that if the invoice is paid before November 18, 2022, that a 1% discount will apply. Commissioner Groves made a motion to pay the invoice in the amount of \$38,406.52. The motion was seconded by Commissioner Hakman. Ayes, Commissioner Groves, Edwards, Hakman, and Mayor Hartke. Nays, none. Motion carried. 4-0.

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PUBLIC PROPERTY, COMMISSIONER HAKMAN

2022 ANNUAL CMOM REVIEW

Narendra Patel, Engineer for Fehr Graham, explained the need for the annual CMOM review and presented the contract to complete the report for the IEPA. After a very brief discussion, Commissioner Edwards made a motion to accept the contract as presented. The motion was seconded by Commissioner Hakman. Ayes, Commissioner Edwards, Hakman, Groves, and Mayor Hartke. Nays, none. Motion carried. 4-0.

PURCHASE OF AIR DIFFUSION SYSTEM

Commissioner Edwards explained the need for the diffusion system was because the blowers at the wastewater treatment plant were not compatible with the aeration system and when the blowers were turned up for additional air, a loud whistling noise was heard. The silencers will quite the sounds. After little discussion, Commissioner Hakman made a motion to purchase the air diffuser system for \$5,391. The motion was seconded by Commissioner Edwards. Ayes, Commissioner Hakman, Groves, Edwards, and Mayor Hart. Nays, none. Motion carried. 4-0.

STREETS AND ALLEYS, COMMISSIONER EDWARDS

2022 MFT PROGRAM

City Clerk Evans told the Council that she was still working on the total price to till, oil & chip Locust Avenue and two alleys. It was the consensus of the Council to table the program.

HEALTH AND SAFETY, COMMISSIONER HELM

No report was given.

PUBLIC COMMENTS

No public comment was made.

EXECUTIVE SESSION

Commissioner Edwards made a motion to go into executive session at 8:06 p.m. for Personnel – Section 2 (c)(1) – Employee hiring, firing, compensation discipline, and performance. The motion was seconded by Commissioner Hakman. Ayes, Commissioner Edwards, Hakman, Groves, and Mayor Hartke. Nays, none. Motion carried. 4-0.

RECONVENED AND ROLL CALL

The meeting was reconvened at 8:34 p.m. by a motion from Commissioner Edwards and seconded by Commissioner Groves. Those present for roll call were Commissioner Edwards, Hakman, Groves, and Mayor Hartke.

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ADJOURNMENT

Commissioner Edwards made a motion to adjourn the meeting at 8:35 p.m. The motion was seconded by Commissioner Groves. Ayes, Commissioner Edwards, Hakman, Groves, and Mayor Hartke. Nays, none. Motion carried. 4-0.

Brenda Evans, City Clerk