

CITY OF OLNEY
CITY COUNCIL MEETING
AUGUST 14, 2017

AGENDA #1 “CALL TO ORDER” The August 14, 2017, meeting of the Olney City Council was called to order at 7:00 p.m. in the Council Chambers of the Olney City Hall located at 300 S. Whittle Avenue, Olney, Illinois, with Mayor Mark Lambird presiding.

AGENDA #2 “PLEDGE OF ALLEGIANCE TO THE FLAG-PRAYER” Council members and visitors joined in the pledge of allegiance to the flag. Zachary Caress led the group in prayer.

AGENDA #3 “ROLL CALL” The following Council members were present: Morgan Fehrenbacher, Les Harrison, Belinda Henton, John McLaughlin, and Mark Lambird. Also present were City Manager Allen Barker, City Clerk Kelsie Sterchi, Assistant City Treasurer Jane Guinn, and City Engineer Charleston.

AGENDA #4 “PRESENTATION OF CONSENT AGENDA”

4-A “Approve Minutes of Council Meeting on July 24, 2017”

4-B “Approve and Authorize Payment of Accounts Payable August 15, 2017” Pooled Cash \$272,031.20, Manual Pooled Cash \$110,294.08, Utility Refunds \$1,800.79, Petty Cash \$238.18, MFT \$3,165.29, IMRF \$27,729.17, Tourism \$11,152.03, Route 130 TIF \$634.00

4-C “Raffle License: Center Shrine”

4-D “Raffle License: St. Joseph Church”

4-E “Raffle License: Big Brothers Big Sisters”

AGENDA #5 “REMOVAL OF ITEMS FROM CONSENT AGENDA” No items were requested for removal from the consent agenda.

AGENDA #6 “CONSIDERATION OF CONSENT AGENDA” Councilman McLaughlin moved to approve the items on the consent agenda, seconded by Councilwoman Fehrenbacher. A majority affirmative voice vote was received to approve the consent agenda.

AGENDA #7 “CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA” No consideration was necessary since no items were removed from the consent agenda.

AGENDA #8 “PRESENTATION OF ORDINANCES, RESOLUTIONS, ETC.”

8-A “Ordinance: Rezone 528 W. South Avenue from R-5 (Trailer or Mobilehome District) to C-2 (Commercial District) as Applied for by the Embarras River Basin Agency” The Council was provided with a proposed ordinance that would rezone 528 W. South Avenue to C-2 (Commercial District) and a copy of the Plan Commission minutes from August 7, 2017.

Dennis Stevens of the Embarras River Basin Agency (ERBA) submitted a Petition for Rezoning so that a parking lot could be placed on the property. Mr. Barker told the Council that the Plan Commission had unanimously voted to recommend approval of the rezoning request.

Councilman McLaughlin moved to approve Ordinance 2017-43, seconded by Councilwoman Henton. A majority affirmative voice vote was received.

8-B “Discussion/Possible Action: Placement of a 16’x44’ Storage Shed at the Musgrove Aquatic Center for Use by the Olney Tiger Sharks” The Council was provided with a letter of request from Drew Holdren, a schematic of the swimming pool area, an aerial view of the area proposed for the storage shed, and three photos of the proposed area.

Mr. Holdren told the Council that the Tiger Sharks wished to eliminate the two current storage sheds on the pool grounds. He had done a walk-thru with the City Manager and Park Department Supervisor, and they were both in favor of the Tiger Sharks’ request. Additionally, Mr. Holdren told the Council that the Parks & Recreation Board was also in favor.

Mr. Holdren added that a tree would need to be removed to accommodate the new shed, but the Tiger Sharks were willing to work with the Tree Board on planting a different tree in a different location.

Councilman McLaughlin asked when the Tiger Sharks expected to have the new shed placed. Because of how the donated funds would be received, Mr. Holdren hoped to have the new storage shed before May of 2018. All necessary costs related to this request would be paid for out of donations and not City funds.

Councilwoman Henton wondered if there were any plans for using a portion of the new shed as a concession stand. Mr. Holdren felt that the shed would not be a suitable structure for a concession stand, nor would it be in an appropriate place.

Councilman McLaughlin moved to approve placement of a 16’ x 44’ storage shed at the Musgrove Aquatic Center for use by the Olney Tiger Sharks, seconded by Councilman Harrison. A majority affirmative voice vote was received.

8-C “Discussion/Approval: Tree Board Grant Application to Trees Forever” Tree Board Chair Brandy McKinney was present to speak on the request to submit a grant application to Trees Forever. Mrs. McKinney explained that the Tree Board had been in touch with a representative from the Trees Forever program. Trees Forever had grants available for the planting of new trees, and the City could receive a minimum grant of \$2,400.00.

Due to the recent severe storm in late July, the Tree Board desired to use any grant monies to purchase trees to be planted on private property since so many residents lost trees or had significant tree damage. The Tree Board also requested that property owners who desire and are granted one or more trees be required to submit a \$10.00 donation.

Those interested would be given a selection of trees to choose from, then a Tree Board member or other City designee would make sure that their proposed location met City Code requirements. When the time comes for the tree(s) to be planted, the resident will receive planting and care guidelines, and a Tree Board volunteer could be available to assist in plantings, if needed.

Councilman McLaughlin moved to approve the Tree Board's request to apply for a grant through Trees Forever, seconded by Councilwoman Fehrenbacher. A majority affirmative voice vote was received.

8-D "Ordinance: Vacate a Portion of S. Camp Avenue from W. Main Street to W. Chestnut Street" The Council was provided with a written request from Kenneth Kuhn, Prairie Farms' General Manager, to close S. Camp Avenue from W. Main Street to W. Chestnut Street, a letter from Barb Roberts, a petition with 153 signatures requesting that the Council follow existing City ordinances in upholding the rights and quality of life of residents, a listing of "Some Factors to Consider in Determining Zoning Request", and a copy of Chapter 9.24 (Noise) of the City of Olney Municipal Code. Connie Richardson had also called in a statement of not being in favor of Prairie Farms' request.

Mr. Barker told the Council that Prairie Farms' vacation request was due to the need of freezer expansion. Mr. Barker had a copy of the plans from Prairie Farms which would also include a new alley created to access the current East/West alley that runs between S. Camp Avenue and S. Saratoga Street. The new alley would run North/South between W. Main Street and W. Chestnut Street, and would include a sidewalk with trees. The City would have an easement reserved and would own the new alley. The City Engineer had also confirmed that drainage from the alley would be appropriate.

Because nearby residents had most likely not seen the plans, Mr. Barker offered to show those interested what Prairie Farms' proposal would be. Several members of the audience rose and crowded around Mr. Barker to review the plans. After several minutes, those who were reviewing the plans returned to their seats, and Mr. Barker returned to the Council table.

Mr. Kuhn reminded the Council that he had brought two other requests to the Council in order to aid in their expansion, and neither had worked. He felt that this current plan would work well for the neighborhood, Prairie Farms, and the general community.

From the audience, Chuck Roberts, 409 W. Main Street, wished to speak. Mr. Roberts recognized the value of Prairie Farms to the community, but did have a few concerns. He felt that the plans shown by Mr. Barker would probably total anywhere between two and two and a half million dollars. With that in mind, he felt it was time that Prairie Farms be relocated to the Industrial Park.

Mr. Roberts agreed that the current plan was a great improvement over the others that had been presented in the past. He felt that the 16 additional trees would reduce some of the sound problems in the neighborhood that were currently being caused by Prairie Farms. Mr. Roberts was curious who would maintain the trees, and how big the trees would be.

Additionally, Mr. Roberts felt it was an excellent plan that the new alley be made of concrete. Even so, he understood that the current City budget had \$180,000.00 allocated for improvements to S. Camp Avenue, and could perhaps instead go towards moving Prairie Farms to the Industrial Park instead. Mr. Roberts also felt that if the high point of the new alley was in the center, having drainage go North and South would be an improvement.

Mr. Roberts then requested that before the Council voted on the vacation that a timeline and agreement be in place so the scope of the project would be clear.

Gerald Ochs, 327 W. Chestnut Street, then commented that since he purchased his property in 1965, Prairie Farms had demolished two churches, one barber shop, and seven houses. He recalled that vacations and closures made for the old turkey processing factory did not end well, and he hoped the same thing would not happen with this request.

Barb Roberts, 409 W. Main Street, stated that she felt after prior meetings that her neighborhood was of no matter to the City. While industry was of importance, Mrs. Roberts felt that the citizens were as well. She appreciated the recent beautification efforts made by the City, but felt that the Prairie Farms expansion in the downtown area would not match those efforts. She and her husband had, over the years, experienced difficulty with noise, fumes, and drainage problems. Echoing her husband's request, Mrs. Roberts asked that a contract be in place before actual closure of this portion of S. Camp Avenue. She asked the Council to protect its people.

Brian O'Neill, 818 E. Main Street, told that he used to reside near Prairie Farms and agreed that the old turkey factory did not improve the downtown area at that time. He felt that the people had the same rights as industry.

Greg Eyer, 121 E. Market Street, explained that he owned three commercial properties within blocks of Prairie Farms. He was also concerned with the potential increase in noise from the expansion. Because Prairie Farms' properties now took up over six acres, he also felt that the Industrial Park would be more appropriate for the business, especially because he felt Prairie Farms was more of a Light Industrial business. Mr. Eyer wanted to know where the City would draw the line.

Mrs. Roberts wondered if the new alley and sidewalks were planned to be placed before the portion of S. Camp Avenue was physically closed. Mr. Barker replied that, yes, the work would be completed before physical closures of S. Camp Avenue. Mrs. Roberts wondered if that guarantee could be put into writing. The Council and Mr. Kuhn agreed that it could.

Mrs. Roberts then asked who would be paying for the new alley and sidewalk. Mr. Kuhn replied that Prairie Farms would be footing the bill.

Councilman Harrison moved to approve Ordinance 2017-44, which would vacate S. Camp Avenue from W. Main to W. Chestnut Streets, that would include wording that the construction of the alley and sidewalks would be made with concrete and completed before physical closure of that portion of S. Camp Avenue, seconded by Councilwoman Fehrenbacher. Mayor Lambird, Councilwomen Fehrenbacher, Henton, and Councilman Harrison voted yes.

Councilman McLaughlin abstained. The motion carried. The City Attorney would create the ordinance.

8-E “Resolution: Authorize Expenditure to Kieffer Brothers Construction Company for the Whittle Avenue Waterline Replacement Project” The Council was provided with a proposed resolution that would authorize an expenditure to Kieffer Brothers Construction Company for work on the Whittle Avenue Waterline Relocation Project.

Mr. Barker explained that in Fiscal Year 2016/2017, the budget had been amended for payment of the Whittle Avenue Watermain Relocation Project, however, the invoice from Kieffer Brothers Construction Company had just been received in the amount of \$65,498.00. The Water Main Replacement/Ext line item currently held a budget balance of \$150,000.00, so the budget would not need to be amended, but the Council would need to authorize the payment.

Councilwoman Henton moved to approve 2017-R-54, seconded by Councilman McLaughlin. A majority affirmative voice vote was received.

8-F “Discussion: Richland County JEDS’ 2018 Proposed Budget” The Council was provided with copies of the 2018 Richland County Joint Emergency Dispatch Systems (JEDS) Proposed Budget, a copy of the proposed monthly bill to the City, an estimate of Ambulance Dispatch benefits, and a Richland County Communication Center Proposed 2018 Budget Summary.

Mr. Barker began by telling the Council that they would not need to approve the budget, but that the JEDS Board had requested that the Council review the budget prior to the Board’s approval. Expenses were estimated to be \$594,603.20 with \$94,753.01 contributed from 9-1-1 and RMH, \$249,925.10 contributed from the County, and \$249,925.10 contributed from the City. The City’s current contribution (December 2016 to date) is annualized at \$235,291.12.

Councilman Harrison, who is the JEDS Board’s City liaison, indicated that the expenses were at a 5% increase compared to the prior year.

8-G “Ordinance: Parking Agreement with OM & S Realty, LLC./Rural King” The Council was provided with a proposed ordinance and agreement that would regulate parking at 501 N. West Street (Rural King). City Attorney Zuber had been in contact with Rural King who had requested the agreement due to the continued worsening of reckless after-hours drivers. According to the proposed ordinance and agreement, access to the parking lot would be prohibited from 8:00 p.m., Monday through Sunday, to 7:00 a.m. on the following day, and would be enforced only in the parking lot in front of the Rural King store. Mr. Zuber added that Rural King employees, or those authorized, would have a decal placed on their vehicle to indicate that they are allowed to be parked in that area.

Mr. Zuber then referenced paragraph nine of the agreement that stated that the City would not be held liable to any breaches of the agreement.

Councilman McLaughlin moved to approve Ordinance 2017-45, seconded by Councilwoman Henton. A majority affirmative voice vote was received.

8-H “Resolution: Accept Quotes for MFT Concrete for Use in Miscellaneous Construction Work” The Council was provided with a proposed resolution that would approve a quote from SSI Ready Mix for concrete to be used for miscellaneous MFT construction work, and a copy of the quotes received.

Mr. Barker told the Council that sealed quotes were opened earlier in the day at 11:00 a.m. Doll’s, Inc. quoted \$112.00 per square yard and SSI Ready Mix quoted \$102.00 per square yard. Mr. Barker recommended accepting the low bid from SSI Ready Mix.

Councilman McLaughlin moved to approve 2017-R-55, seconded by Councilwoman Fehrenbacher. A majority affirmative voice vote was received.

8-I “Discussion/Possible Action: Parks & Recreation Board Recommendation of Dog Swim at the Musgrove Aquatic Center” The Council was provided with an e-mail from Parks & Recreation Chair Morgan Henton, a copy of a flyer from Owensboro, Kentucky’s Gone to the Dogs event, a copy of an event description from Owensboro, Kentucky’s Parks & Recreation Department, and a screenshot of Owensboro’s website advertising the event.

Mr. Henton told the Council that the Parks & Recreation Board wished to see a Dog Swim Day at the Musgrove Aquatic Center. The event was proposed to take place on the last day of the season, right before draining. Mr. Henton explained that Owensboro’s Gone to the Dog’s swim event is successful each year with minimal issues, that fees charged were \$7.00 per dog with free entry for the owner, and that some of the funds act as donations to local animal shelters. Local vendors also attended and set up booths during the event.

From the audience, Anthony Czemski wondered who would be held liable if a dog bit another dog or a human. Mr. Henton assumed liability would be no different if an animal or human got bitten on any other public property.

Mr. Henton continued by reminding the Council that the pool was proposed to be repainted next year. He felt that the Dog Swim Day in 2017 would be a good test run to evaluate if the event would be worthwhile, and to see if any scratches came about before the repainting.

Councilman Harrison asked who would be responsible for clean up after the Dog Swim Day. Mr. Henton replied that cleaning stations could be located inside the bath houses, and that dog owners would be encouraged to clean up after their pets. Also, the fenced-in grassy area could be utilized because once the pool closed, no one would be using the space anyway.

From the audience, Dr. David Eckiss pointed out that not all dogs had the ability to swim. That raised the question of whether or not lifeguards would be needed and what kind of training they would need if a dog needed to be saved.

Mr. Henton went on to suggest that proof of current shots should be required, and that dogs should be leashed while on the pool deck.

Councilwoman Henton asked the City Attorney for his opinions on insurance. Mr. Zuber advised that the City should verify with its insurance agent, but that he felt the City would likely be covered even if held liable.

Mayor Lambird asked if the dog owners would also be swimming. Mr. Henton did not believe so, but others felt that the owners would certainly want to swim with their dogs. The Council wondered what the Illinois Department of Public Health would have to say about that.

Councilwoman Henton moved to authorize a Dog Swim Day at the Musgrove Aquatic Center contingent upon the Parks & Recreation Board working out the details with the City Manager. The motion died due to lack of a second.

Councilwoman Fehrenbacher commented that she appreciated the creativity of the suggestion, but did not feel that the City pool was the appropriate place. Councilman McLaughlin agreed.

Mr. Henton then asked if such a Dog Swim Day would be approved some place such as Miller's Grove. The Council was unsure.

AGENDA #9 "REPORTS FROM ELECTED AND APPOINTED OFFICIALS"

9-A "Status Report-City Manager" The Council was provided with a status report from the City Manager. Mr. Barker reported that work on Whittle Avenue was running ahead of schedule, and he was confident that the work would be completed in a shorter amount of time than originally expected. The City Engineer confirmed, adding that the asphalt may be placed by mid-October. Seeding and landscaping work would then follow.

9-B "RCDC Report" RCDC Executive Director Courtney Yockey informed the Council that the business writing workshop that had recently taken place had nine total participants. Mr. Yockey also stated that in the last week, he was awarded as Class Champion and Most Participation at the Midwest Community Development Institute.

9-C "Chamber of Commerce Report" Councilman McLaughlin told that the Chamber's recent golf outing had more teams and sponsors than the year prior.

9-D "Parks & Recreation Board Report" Mr. Henton had exited the meeting after Agenda Item 8-I, so there was no additional report.

9-E "Tourism Board Report" The Council was provided with a press release from ILLINOISouth Tourism, ILLINOISouth Social Media Statistics, and ILLINOISouth Tourism's Fiscal Year 2017 Annual Report.

Councilwoman Henton told the Council that she had attended the most recent quarterly Tourism Board meeting on August 2, 2017. She commented that the ILLINOISouth Tourism

Bureau did a lot for Richland County, but she was concerned with the fact that Richland County's tourism expenditure numbers were down .3%. Even so, Mayor Lambird pointed out total local tax receipts for the same time period were up 4.3%.

Mayor Lambird asked if Assistant City Treasurer Jane Guinn had anything to report. The Assistant City Treasurer replied that the first installment of real estate tax had been received the week prior in an amount over \$900,000.00.

AGENDA #10 "PUBLIC COMMENTS/PRESENTATIONS"

10-A "Brian O'Neill" Mr. O'Neill bragged to the Council that he had won the Olney Daily Mail's Best Politician Award for the seventh time. According to Mr. O'Neill, he was "better than Michael Jordan."

Mr. O'Neill went on to recall how milk was distributed during his childhood in the 1960s. He felt the City zoning ordinance may need to be rewritten or upgraded regarding Prairie Farms' operations.

Anthony Czemski was next to speak. Mr. Czemski stated that he resided on Mimosa Circle and that the City had recently ripped out the bushes in the center of the cul-de-sac. Mr. Czemski reached out to City Hall for information as to why the bushes were removed. He stated that the City Clerk called him back with information from the Street Department that the bushes were being taken out because they were causing view obstruction, were laced with poison ivy, and that the area would be re-seeded with grass. Mr. Czemski then said that he went outside to talk to the City workers who said there was one area with poison ivy. Mr. Czemski felt that area could have been treated with spray instead.

Mr. Czemski felt that the view obstruction was the City's fault since the bushes were owned by the City. He then commented that the City had not cut the grass on that cul-de-sac so he had decided to do it for the past few years.

Overall, Mr. Czemski was very upset that the bushes had been removed, and wondered why no one was consulted before the removal. He requested that a sign be placed to indicate that no parking would be allowed on the grass, and requested that during the winter season, the snow plows push snow into the grassy area instead of into residents' driveways.

AGENDA #11 "CLOSED SESSION: SALE PRICE OF REAL PROPERTY; ACQUISITION OF REAL PROPERTY; AND APPOINTMENT, EMPLOYMENT AND PERFORMANCE OF SPECIFIC EMPLOYEES" Councilman McLaughlin moved to adjourn to closed session to discuss the sale price of real property, acquisition of real property, and appointment, employment, compensation, and performance of specific employees, seconded by Councilwoman Fehrenbacher. A majority affirmative voice vote was received.

Councilmen McLaughlin, Harrison, Councilwomen Henton, Fehrenbacher, Mayor Lambird, City Attorney Zuber, and City Clerk Sterchi left the Council Chambers at 8:07 p.m.

AGENDA #12 “RECONVENE OPEN SESSION” Upon return of those who were in closed session to the Council Chambers, Councilman Harrison moved to enter back into open session, seconded by Councilwoman Fehrenbacher. A majority affirmative voice vote was received. Open session resumed at 8:53 p.m.

12-A “Resolution: Authorize Destruction of Closed Session Audio” The Council was provided with a proposed resolution to authorize the destruction of closed session audio from June of 2015 through February of 2016.

Councilwoman Henton moved to approve 2017-R-55, seconded by Councilman McLaughlin. A majority affirmative voice vote was received.

12-B “Resolution: Release Closed Session Minutes” The Council was provided with a proposed resolution to authorize the release of full and partial closed session minutes from November of 2013 through February of 2016.

Councilwoman Henton moved to approve 2017-R-56, seconded by Councilman Harrison. A majority affirmative voice vote was received.

Councilman McLaughlin recommended that the City Manager call Mr. Czernski to follow up on his public comment. Councilwoman Henton recalled that the bushes at Mimosa Circle had been complained about for as long as she could remember, and commented that she would like to see gravel placed instead of grass.

Councilwoman Fehrenbacher commented that the new City Hall mural was impressive. Councilman McLaughlin agreed and said he had received a lot of positive feedback.

Mayor Lambird expressed his thanks to the City staff for all that had been done in preparation and during the 12u Little League State Tournament. He had a tremendous amount of people tell him what a nice community we had, and that our facilities were great.

AGENDA #13 “ADJOURN” Councilwoman Fehrenbacher moved to adjourn, seconded by Councilman McLaughlin. A majority affirmative voice vote was received.

The meeting adjourned at 8:56 p.m.

Kelsie J. Sterchi
City Clerk