

CITY OF OLNEY  
CITY COUNCIL MEETING  
JULY 25, 2016

AGENDA #1 “CALL TO ORDER” The July 25, 2016, 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 Ray Vaughn presiding.

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

AGENDA #3 “ROLL CALL” The following Council members were present: Les Harrison, Belinda Henton, Bob Ferguson, and Ray Vaughn. John McLaughlin was absent. Also present were City Manager Allen Barker, City Attorney Bart Zuber, City Clerk Kelsie Sterchi, City Treasurer Chuck Sanders, and City Engineer Roger Charleston.

AGENDA #4 “PRESENTATION OF CONSENT AGENDA”

4-A “Approve Minutes of Council Meeting on July 11, 2016”

4-B “Approve and Authorize Payment of Accounts Payable July 26, 2016” Pooled Cash \$396,064.68, Manual Pooled Cash \$87,647.97, Utility Refunds \$1,684.86, Tourism \$2,000.00, MFT \$3,108.65, 175<sup>th</sup> Anniversary \$457.00, Christmas Light Display \$1,000.00, Unemployment Insurance \$1,071.40

4-C “Raffle License-Richland County Homemakers Education Association”

4-D “Raffle License-Olney Elks”

AGENDA #5 “REMOVAL OF ITEMS FROM CONSENT AGENDA” No items were requested to be removed from the consent agenda.

AGENDA #6 “CONSIDERATION OF CONSENT AGENDA” Councilwoman Henton moved to approve the items on the consent agenda, seconded by Mayor Vaughn. 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 “Request/Ordinance: Vacate the North/South Alley Between Foster Street and Florence Avenue, & N. Fair and N. Morgan Streets” The Council was provided with four letters of support for the proposed alley closure, a listing of property owners adjoining the alley in question, and a copy of the plat of this area.

All adjoining neighbors were in favor of the closure request. Mayor Vaughn explained that if closed, the adjoining neighbors would have the option to purchase their portions, would also need to pay the cost of recording the ordinance, and any attorney fees. Because utility easements would need

to be reserved, the property owners could purchase their portions at \$.15 per square foot versus \$.25 per square foot. Illinois Gas Company and New Wave Cable have utilities in this alley. Frontier Cable had not yet responded. There are no water, sewer, or electric utilities in the alley.

The Mayor also recalled some drainage issues in this area over the past few years. Brad Cooley, Jr. and Charles and Sharon Behnke indicated that drainage is still a problem.

Mr. Cooley also mentioned that a berm was built on the west side of his property. This berm stops water flow, and allows water to stand in his yard and the Behnke's yard. A potential ditch has been discussed, but no ditch was ever installed. Mayor Vaughn remembered that the ditch would have had to go across certain properties, and not all owners were in favor of the ditch. The Behnke's were new neighbors, and had no issue with a proposed ditch.

Councilwoman Henton pointed out that the City would need an easement for the ditch. Mr. Cooley and Mr. and Mrs. Behnke had no issue allowing an easement for the ditch.

Mayor Vaughn moved to approve 2016-24 that would allow closure of the proposed alley, with necessary utility easements reserved, at a price of \$.15 per square foot plus the cost of attorney and recording fees, and reservation of an easement for the installation of a ditch, seconded by Councilman Harrison. A majority affirmative voice vote was received.

City Clerk Sterchi would be in touch with the property owners once final costs were determined.

8-B "Discussion: Kitchell Avenue Curb and Gutter-Removal and Replacement from Elm Street to Chestnut Street" The Council had previously discussed making improvements to Kitchell Avenue from Elm Street to Chestnut Street. Before those improvements are made, sections of the curb and gutter in this area need to be removed and replaced. City Engineer Charleston estimated that the cost to replace the curb and gutter would be \$12,500.00.

City Manager Barker reminded the Council that curb and gutter replacement in this area had not been budgeted. It will be impossible to complete any street work in this area without replacing the curb and gutter.

Mr. Barker told the Council that such a project would be difficult to bid. He reminded the Council that for the Lathrop Street curb and gutter project, there had only been one bidder. Mr. Barker was seeking approval to move forward on the project, and not to exceed \$12,500.00

Councilman Ferguson asked when the re-paving of Kitchell Avenue would take place. Mr. Charleston replied that it would not be long after the curb and gutter project was complete, although the City would need to work around the schedule of the only asphalt paver in the region.

Mayor Vaughn moved to allow the City Manager and City Engineer to seek estimates for the Kitchell Avenue curb and gutter project, seconded by Councilwoman Henton. Councilmen Ferguson, Harrison, Mayor Vaughn, and Councilwoman Henton voted yes. There were no opposing votes. The motion carried.

A resolution to amend the budget and waive formal bidding procedures will be on the next City Council agenda.

8-C “Resolution: Accept Estimate from Jeff Guisewite, Inc., to Remove Underground Storage Tank at the NWC of Main Street and Kitchell Avenue, and Waive Formal Bidding Procedures” The Council was provided with a proposed resolution to accept the estimate from Jeff Guisewite, Inc., for the removal of the underground storage tank at the northwest corner of Main Street and Kitchell Avenue. The proposed resolution would also waive formal bidding procedures.

Mr. Barker reminded the Council that during the installation of the new 12 inch water main on W. Main Street, it was discovered that there is an underground storage tank on the northwest corner of Main Street and Kitchell Avenue. Jeff Guisewite estimated that it will cost between \$8,000.00 and \$9,000.00 to remove the tank, obtain soil samples, submit reports to IEPA, remove contaminated soil as necessary, and backfill the excavation. This estimate is also based upon no unforeseen circumstances being found during the removal process. The estimated time for the work is two to three weeks after authorization to proceed. Mr. Guisewite is certified by the State of Illinois for FEMA and LUST projects.

Mr. Barker clarified that work on the water line project cannot go forward until this tank is removed. The project has been at a standstill for over one week due to this issue.

Mr. Charleston expressed concern that where there is one underground storage tank, there is usually another, as they often have two tanks for the different grades of gasoline.

Mr. Charleston also felt that no amendment to the budget would be necessary.

Councilman Ferguson moved to approve 2016-R-46, seconded by Mayor Vaughn. A majority affirmative voice vote was received.

8-D “Discussion: Hunting of Waterfowl on East Fork Lake” The Council was provided with a copy of an e-mail from Councilwoman Henton regarding duck hunting blinds on East Fork Lake, and a copy of Section 12.16.100 (Hunting) of the Olney Municipal Code.

Councilwoman Henton told the Council that she has been spending much time on East Fork Lake this summer, and she has come across a lot of junk around the lake. For example, she came across a capsized duck blind with a bunch of junk inside. She felt that it was not only unsightly, but unsafe. Additionally, many anchoring poles have been left in the water

The Councilwoman agreed that duck hunting is a necessity. She spoke with the Department of Natural Resources for their recommendations. The DNR told her that they regulate deer stands on public land by allowing them to be placed just before season in order to allow hunters to construct their stands. They should then be removed after the season.

The City Code currently reads that no permanent duck blinds are allowed, but the Councilwoman questioned what is considered permanent.

The Councilwoman went on to say that DNR requires deer stand owners to tag their stands, although she was not sure how many hunters actually complied with that requirement.

Local duck hunters J.T. Taylor and Dr. Dan Brown were present. Mayor Vaughn asked the gentlemen what their procedures were in respect to duck blind placement.

Mr. Taylor replied that he and Dr. Brown keep their blinds stored in a shed until it is time to be placed. Once the season is over, they take their blinds back to storage. They indicated that Gary Maris is the individual creating the duck blind issues described by the Councilwoman. Councilman Ferguson recalled having conversations with Mr. Maris in the past about the same issues.

Mayor Vaughn felt that annually, hunters wishing to place duck blinds should make City Hall aware and provide their name, address, phone number, and location of their duck blinds. After season, the City should check to be sure the blinds have been removed. If the blinds have not been removed, the Mayor then recommended that the owner be made aware that the blind should be removed by a certain date or else the City will remove the blind, and the owner will be billed. Councilman Harrison agreed.

Mr. Taylor and Dr. Brown were asked when an appropriate date would be to allow placement of duck blinds. They replied that September 1<sup>st</sup> of each year would be desired.

The Mayor also advised that the penalties dictated in the Code would also apply to this provision. Mayor Vaughn requested that the topic again be brought up at a future meeting, and that Mr. Taylor and Dr. Brown be notified of the proposed Code changes.

8-E “Discussion: Richland County JEDS’ 2017 Proposed Budget” The Council was provided with a copy of the proposed 2017 Richland County Joint Emergency Dispatch System’s Proposed Budget. The council does not need to approve this budget, but the JEDS Board requested that the Council review the budget prior to their approval.

Mr. Barker told the Council that the proposed budget would cost the City \$5,100.00 more than the prior year. With this being said, the JEDS historically run less than budgeted.

Mayor Vaughn noticed that cost for Blue Cross Blue Shield health insurance was listed at \$282.92 per month for the JEDS contribution, per employee. Councilman Harrison is the City representative on the JEDS Board. The Mayor recommended that Councilman Harrison provide additional information on the health insurance because he was intrigued with the low number.

Mayor Vaughn then asked if Councilman Harrison had heard any complaints from the Sheriff or Police Departments on how the JEDS is functioning. The Councilman had heard nothing negative up to this point.

8-F “Discussion: Release of Amendment to Minimum Deed Restriction for Watergate Subdivision and Water Purchase Agreement Between the City of Olney and EJ Water Cooperative, Inc. for Watergate Subdivision” The Council was provided with a proposed Release of Amendment to Minimum Deed Restrictions for Watergate Subdivision, and a copy of the 1989 Amendment to Minimum Deed Restrictions for Watergate Subdivision.

Mr. Barker explained that in 1969, the City placed certain requirements in regard to Watergate Subdivision water lines. Currently, Watergate Subdivision has decided to work with EJ Water Cooperative, Inc., on distribution of water to the subdivision. EJ Water Cooperative, Inc., is asking for the City to remove old and outdated restrictions so they can place sufficient lines and meters.

Mayor Vaughn understood what EJ Water Cooperative, Inc., is trying to accomplish. The Mayor agreed that many of the restrictions may be unnecessary and expensive, however, he felt that

the City did need to determine what provisions are currently needed and would be needed moving forward.

Councilwoman Henton wondered if the City would be receiving a commitment that water would be purchased from the City and at what price. Mr. Barker replied that a proposed contract had been provided requesting that the first three months be at a rate of \$0.290 per 100 gallons and then go to the normal rate. Watergate's current rate is \$0.539 per 100 gallons.

The Mayor and City Engineer saw many benefits of establishing a relationship with EJ Water Cooperative, Inc.

The Council was in consensus that they were interested in moving forward to establish an agreement with EJ Water Cooperative, Inc., but the Mayor requested more advice on what provisions should be kept or included.

#### 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 the audible traffic signals for the intersection of Main and Fair Streets had arrived. Installation would begin soon.

Mr. Barker then indicated that the MFT oil and chip program would start in August. The work would start with City crews doing the preliminary work. Oil and chip application will then be scheduled.

Mr. Barker added that work on the East Fork Lake parking lot would begin as soon as possible.

Mr. Barker told the Council that the City is still waiting on the State permit for the water line work on S. Whittle Avenue. At this time, the permit is under review.

Mr. Charleston reported that the contractor had completed their work on the Lathrop Street curb and gutter project. The City continues to work on its portion.

Mr. Charleston then stated that the sewer line work on E. Hall Street is also complete. Dirt work remains and should be completed shortly.

City Treasurer Sanders told the Council that the Illinois Municipal Review had provided updated guidance on tax revenue. The Corporate Replacement Tax estimates had been lowered. Mr. Sanders also indicated that Income Tax receipts are \$18,000.00 less than a year ago. Year-to-date, receipts are \$40,000.00 lower. Mr. Sanders also reported that the State is now current on video gaming revenue.

City Clerk Sterchi expressed her happiness with the 175<sup>th</sup> anniversary weekend events. She and the rest of the Dodransbicetennial Commission were extremely humbled by the help of the volunteers and were pleased with attendance.

#### AGENDA #10 "PUBLIC COMMENTS/PRESENTATIONS"

10-A "Brian O'Neill" Mr. O'Neill began by thanking Prairie Farms for distributing free chocolate milk during the 175<sup>th</sup> anniversary parade. Mr. O'Neill was also pleased with the Community Picnic. He would be interested in Olney having an annual Community Picnic. Mr. O'Neill also gave compliment to the video slideshow that played in the Community Building on Saturday and Sunday.

Mr. O'Neill's only hope for the next celebration would be more military and musical participation in the parade.

Mr. O'Neill stated he appreciated the weekend's activities, and believes The Fireside benefitted as well.

From the audience, George Hostettler wished to speak. Mr. Hostettler had a difference of opinion on how the Lathrop Street curb and guttering project was coming along. Mr. Hostettler explained his displeasure with limited or no driveway access, and the fact that he felt his driveway is now too steep. He told that he had company in over the past weekend, and their vehicles dragged on the way out of his driveway.

Mr. Charleston replied that Mr. Hostettler needed to allow work on the project to be completed before complaining that it had not been done properly. Mr. Hostettler wondered how that would affect the steepness of his driveway. Mr. Charleston indicated that the grade of the street will change by the time the work is complete.

Mayor Vaughn commented that the streets had been in poor condition in the Lathrop Street area for quite some time. The City was taking steps to help the street and drainage issue in the area. The Mayor requested Mr. Hostettler's patience while the City completes the project. He clarified that it takes time for larger projects to be completed.

Mr. Hostettler hoped that the City learned a little something on the planning of projects. He again stated his displeasure on the City workers being delayed due to the Independence Day holiday and recent wind damage throughout the City. Mayor Vaughn agreed that the City workers were taxed and often stretched thin in order to complete all work necessary.

AGENDA #11 "CLOSED SESSION: SALE PRICE OF REAL PROPERTY; ACQUISITION OF REAL PROPERTY; COLLECTIVE NEGOTIATING MATTERS; AND APPOINTMENT, EMPLOYMENT, COMPENSATION, AND PERFORMANCE OF SPECIFIC EMPLOYEES"

Councilman Harrison moved to adjourn to closed session to discuss sale price of real property; acquisition of real property; collective negotiating matters; and appointment, employment, compensation, and performance of specific employees, seconded by Councilwoman Henton. A majority affirmative voice vote was received.

Councilmen Harrison, Ferguson, Councilwoman Henton, Mayor Vaughn, City Manager Barker, City Attorney Zuber, City Clerk Sterchi, and City Treasurer Sanders left the Council Chambers at 7:57 p.m.

AGENDA #12 "RECONVENE OPEN SESSION" Upon return of those who were in closed session to the Council Chambers, Councilwoman Henton moved to enter back into open session, seconded by Councilman Harrison. A majority affirmative voice vote was received. Open session resumed at 8:32 p.m.

12-A “Ordinance: Establish Hourly Wage for Part-Time Code Enforcement Officer” The Council was provided with a proposed ordinance to set an hourly wage for the part-time Code Enforcement Officer.

Mr. Barker explained that the proposed ordinance would set the wage for Bill Clow at \$15.00 per hour. Mr. Clow will not exceed 999 hours per year.

Councilman Harrison moved to approve Ordinance 2016-25, seconded by Mayor Vaughn. A majority affirmative voice vote was received.

Mayor Vaughn commented that the City had prior talks on increasing enforcement, especially on rental properties. It was the Mayor’s desire to start earnestly discussing the enforcements over the next six to eight weeks. At the next Council meeting, Mayor Vaughn hoped that Code Enforcement Officer Mike Mitchell might be present to give a summary on what he is hoping for, and which direction he is looking to go.

A rental inspection program is desired by the City, but Mayor Vaughn wanted to be sure this is done in the right manner. He also hopes to meet with local landlords in the near future to be sure such a program can work for them despite the fact that there will be some restrictions.

AGENDA #13 “ADJOURN” Mayor Vaughn moved to adjourn, seconded by Councilman Harrison. A majority affirmative voice vote was received.

The meeting adjourned at 8:48 p.m.

Kelsie J. Sterchi  
City Clerk