

CITY OF OLNEY
CITY COUNCIL MEETING
JUNE 27, 2016

AGENDA #1 “CALL TO ORDER” The June 27, 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.

AGENDA #3 “ROLL CALL” The following Council members were present: Les Harrison, Belinda Henton, John McLaughlin, Bob Ferguson, and Ray Vaughn. 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 June 13, 2016”

4-B “Approve and Authorize Payment of Accounts Payable June 28, 2016” Pooled Cash \$70,347.01, Manual Pooled Cash \$3,073.40, MFT \$8,228.24, Tourism \$6,739.00, 175th Anniversary \$5,000.00.

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” Councilman McLaughlin moved to approve the items on the consent agenda, seconded by Councilwoman Henton. 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 “BID OPENING: SALE OF 19.6 ACRES IN THE OLNEY INDUSTRIAL PARK” The City of Olney had solicited bids for the sale of 19.6 acres in the Olney Industrial Park with Property Index Number 11-15-200-044. Bids were able to be received until 4:00 p.m. this afternoon. No bids were received, so no bids were opened at this meeting.

Since no bids were received, Mayor Vaughn asked what the next course of action should be to sell the property. City Attorney Zuber replied that he would review State law to evaluate options, and the topic should be tabled until more information is received.

AGENDA #9 “PRESENTATION OF ORDINANCES, RESOLUTIONS, ETC.”

9-A “Ordinance: Authorizing Sale of 19.6 Acres in the Industrial Park with Property Tax Number 11-15-200-004” This item was removed from the agenda.

9-B “Discussion: Rotary Club of Olney & Rotary Club of Richland County Replacement of Rotary Park Pavilion Project” The Council was provided with a letter from Lauren McClain and Mitch Fickling, of each respective Rotary Club, and a copy of an e-mail sent from Herman Zuber.

Mr. Fickling, President of the Rotary Club of Richland County, was present to speak on the topic. Mr. Fickling explained that the Rotary Clubs have plans underway to revamp the large pavilion at Rotary Park. The current pavilion will be torn down and replaced with a new structure of the same size. New concrete would be added, and a ceiling to prevent birds from nesting. A concrete apron would also be added to help with handicap accessibility.

Mr. Fickling noted that the Rotary Clubs were close to having all of the necessary funds for the project. Mayor Vaughn asked for an estimate on the total expense of the project. Mr. Fickling replied that the project would be approximately \$30,000.00.

The Mayor requested that the Rotary Clubs consult with the City Attorney to be sure that all necessary requirements are met.

Mayor Vaughn moved to approve the Rotary Clubs to construct the new pavilion at Rotary Park, and waive all permit fees, seconded by Councilman McLaughlin. A majority affirmative voice vote was received.

The Mayor then read the questions from Herman Zuber’s e-mail. The questions read, “Will the City have funds available to upgrade the restroom facilities at the park? Will the City have funds available to upgrade the electrical services to the pavilion? Will the City of Olney have funds available for a concrete path running adjacent and up to the pavilion? Will the City funding for these projects be full or partial?”

Mayor Vaughn noted that no upgrades for Rotary Park were in the current budget. The City Manager had spoken to the Park Department Supervisor, and depending on the extent of upgrades, a small amount of funds could be utilized, but anything extensive would be too much for this year.

The Mayor noted his interest in upgrading recreation facilities, but will need more detail and specifics on what is needed, and to what extent private group fundraising would cover.

9-C “Request: Class B Liquor License for Yongxin Enterprise, Inc.” The Council was provided with an application sheet for Kiran Ahuja. As discussed at the meeting on June 13th, Mrs. Ahuja had submitted the necessary information to complete the Class B liquor license application. Mr. Ahuja and his son were present to help answer any additional questions.

City Attorney Zuber told the Council that the application now appeared to be in proper form. Mr. Ahuja hoped to have a package liquor store located at 1301 S. West Street. The Council had no additional questions for Mr. Ahuja.

From the audience, Bill Riggs stood to speak. Mr. Riggs expressed his continued displeasure in the consideration of the Class B application. Mr. Riggs was not in favor of the application for multiple reasons including the fact that Mr. Ahuja was not a U.S. citizen and there not being a need for another package liquor store. He also accused Mr. Ahuja of not reciting the Pledge of Allegiance. Mr. Riggs continued to accuse Mr. Ahuja of making verbal threats to he and his wife. Mr. Riggs also felt that his family should be afforded some protection due to the fact that they pay the annual liquor license fees.

Also from the audience, Brian O'Neill wished to speak. Mr. O'Neill noted that a liquor license applicant would not be required to have a U.S. citizenship if he or she employed a manager that resided in the City. Alternatively, Mr. O'Neill did feel that that if the Council approved this Class B application, that applicants such as Casey's and WalMart should also be approved.

Mayor Vaughn asked Mr. Ahuja how many liquor stores were in Flora. Mr. Ahuja replied that a total of seven liquor stores were in Flora, a community of approximately 5,000.

Mr. Riggs also expressed concern over Mr. Ahuja's Flora liquor store selling paraphernalia. Mr. Ahuja told the Council that when he purchased the store in Flora, he purchased the current inventory.

Councilman McLaughlin felt that it was not the Council's position to dictate winners and losers in the free market, whether it is a furniture store or the multiple gyms in town. He felt that the market would dictate need.

Mr. Riggs asked the Councilman why he did not support Casey's or WalMart's liquor license applications. Councilman McLaughlin replied that if it had come to vote, he would have voted yes to those liquor license applications. The Council took no action on the 2015 applications from Casey's and WalMart.

From the audience, Martin Riggs and Marilyn Riggs also expressed their lack of support for the application.

Addressing the concern over Mr. Ahuja's inventory, Mayor Vaughn noted that the alcohol industry was a regulated industry. While he is not opposed to additional liquor establishments, the Mayor did want a more clear idea of what are the appropriate number of establishments would look like. As the City's Liquor commissioner, he has the authority to cease or revoke licenses of establishments that are not conducting the businesses appropriately. In the past three years, Mayor Vaughn told of how he had fined two different establishments based on illegal activity. He clarified that the granting of a license did not allow the business owners to do whatever they want.

Mr. Ahuja also told the Council that he would be happy to write a bond stating that he would not be selling any paraphernalia in his Olney liquor store.

Mayor Vaughn moved to approve the Class B liquor license application for Yongxin Enterprise, Inc., seconded by Councilman McLaughlin. Councilmen McLaughlin, Harrison, and

Mayor Vaughn voted yes. Councilwoman Henton voted no. Councilman Ferguson abstained. The motion carried.

9-D “Ordinance: Amend Section 5.12.070 (Restriction on Number of Licenses Authorized) of the City of Olney Municipal Code” The Council was provided with a proposed ordinance to increase the number of authorized Class B liquor licenses from three to four.

Mayor Vaughn moved to approve Ordinance 2016-23, seconded by Councilman McLaughlin. Councilmen Ferguson, Harrison, McLaughlin, and Mayor Vaughn voted yes. Councilwoman Henton voted no. The motion carried.

9-E “Request: Sanitary Hauler License for Atkins Sanitation” The Council was provided with a Sanitary Hauler License Application from Chanc Atkins of Atkins Sanitation. Acceptance of the application would provide another option for commercial businesses inside City limits. The City has a contract with Republic Services for sanitary hauling for residential customers inside of City limits. The Code provides for Council approval or denial of the application.

Chanc Atkins was present to speak on the application. Mr. Atkins told the Council that he would be providing commercial sanitary hauling services, and hoped to bid on residential service when the contact came due with Republic Services. Mr. Atkins would dump the refuse at the landfill in Sumner.

Councilman McLaughlin moved to approve a Sanitary Hauler application for Atkins Sanitation, seconded by Councilwoman Henton. A majority affirmative voice vote was received.

9-F “Discussion: Donation to Embarras River Basin Agency” The Council was provided with a letter from Janet Pflaum, Site Manager of the Richland County Senior Center, a copy of the Senior Nutrition Plan projected income, and the amount of meals served from June 2015 to May 2016. Marsha Roll, Executive Director of the Embarras River Basin Agency, was present to speak on the request. Ms. Roll disbursed to the Council a fact sheet for the Richland County Senior Nutrition Program.

Due to funding reductions, operations at the Seniors Center in Olney had been reduced to only four days per week. There was much concern on continued funding for the program.

Ms. Roll had met with the City Manager who suggested speaking with utility companies on a potential “Round Up” program that would allow utility customers to round up their bill to the nearest dollar. The extra amount would then act as a donation to the Senior Center. Ms. Roll would be meeting soon with utility companies on this request.

Ms. Roll also explained that the Council had offered \$5,000.00 in donations to the program in the past. Leadership within the Senior Center had exhausted known funding outlets. They had also reached out to the County Board, local individuals, churches, and clientele. The Center’s Chore Housekeeping Fund has also dissipated.

Mayor Vaughn noted that State funding cuts were a concern everywhere, including the City of Olney.

If the Council provided a donation, Councilman McLaughlin wondered where the donation would come from out of the current budget. City Treasurer Sanders replied that the last time the Council donated to the Center, funds came out of Department 411. He noted that such a donation was not in the current year's budget. If making the donation, the City would need to research a line item that is being under spent, or take the funds out of Contingencies.

Mayor Vaughn pointed out that the City began its current fiscal year with a \$1.1 million deficit. He asked Ms. Roll to revisit the Council in two weeks to provide an update on what, if any, other funding sources had been found. The Mayor did note that if a donation was provided, that it would be a one-time donation.

Councilwoman Henton suggested that some money could be freed up in the budget by deducting funds from other contributions. She felt that feeding a hungry citizen was more important than, for example, funding a t.v. for someone who might win it in a raffle.

The Mayor wished for Ms. Roll to keep in touch with Mr. Barker on their progress.

9-G "Resolution: Accept Quote from Kohlbrecher Equipment, Inc., for the Purchase of a Sludge Hauling Tank and Injector for the Sewer Department, Accept Quote from Albion Equipment Co., for the Purchase of a Tractor, Waive Formal Bidding Procedures, and Amend the 2016/2017 Budget" The Council was provided with a proposed resolution that would waive formal bidding procedures, amend the budget, and approve the purchases of a tractor and sludge hauling wagon for the Sewer Department.

Mr. Barker told the Council that the tractor and wagon were badly needed if the City wished to provide its own sludge hauling. The proposed sludge tank is brand new. The cost for the wagon would be a total of \$53,850.00, and would hold 5,100 gallons. The tractor is used at a cost of \$62,500.00.

The two items were budgeted at an amount of \$125,000.00. Together, the proposed pieces of equipment would total \$116,350.00.

Mayor Vaughn moved to approve 2016-R-40, seconded by Councilman Harrison. Councilmen Harrison, Ferguson, Councilwoman Henton, and Mayor Vaughn voted yes. Councilman McLaughlin voted no. The motion carried.

9-H "Resolution: Accept MFT Bids" The Council was provided with a bid tabulation for the 2016 MFT program. Bids for the MFT letting were opened at 11:00 a.m. this morning. One bid was received from Doll's, Inc., for ready mix concrete in the amount of \$23,760.00. One bid was received from Mt. Carmel Stabilization Group for oil and chip in the amount of \$53,139.55.

Mr. Barker asked the Council if they would table the bid received on the oil and chip. Mr. Barker wanted a bit more time to explore other options.

If tabling the bid, Councilman Ferguson wondered how long the bid would be valid. City Engineer Charleston responded that the bid would be good for two weeks.

Councilman Ferguson moved to accept the bid from Dolls, Inc., for concrete in the amount of \$23,760.00, and to table the oil and chip bid, seconded by Councilman McLaughlin. A majority affirmative voice vote was received.

9-I “Resolution: Authorize Legal and/or Engineering Funding for RCDC on Projects Involving the City of Olney” The Council was provided with a proposed resolution to authorize up to \$5,000.00 annually to RCDC for legal services, and \$5,000.00 annually for engineering services.

As discussed during the June 13th meeting, RCDC is requesting that the Council authorize legal and engineering services for projects involving the City of Olney.

RCDC Executive Director Courtney Yockey was present to speak on the request. Mr. Yockey also handed the Council a letter of request. Mr. Yockey explained that in the past, he had worked with Larry Taylor who was both the City Manager and the City Attorney. The structure has since changed with the implementation of a new City Manager and a new City Attorney, respectively. The legal counsel now has fees, and such an agreement would also provide the City Attorney with structure on what he is authorized to do. Similarly, engineering services also have fees assessed. Mr. Yockey works with Mr. Charleston very frequently.

City Attorney Zuber had reviewed the proposed agreement and felt it was sufficient.

Councilwoman Henton was concerned with supplying for time and funds for projects that the Council may not support. Mr. Yockey clarified that the only time he would need to utilize legal services is to help answer questions directed from the Council. Initial engineering services for projects is simply to provide estimated costs for the Council. If the Council did not wish to continue with the project, no other engineering fees would apply.

In order to keep track of expenses incurred, legal and engineering bills should come directly to the City and be invoiced separately.

Councilman McLaughlin moved to approve up to \$5,000.00 annually for legal services, and up to \$5,000.00 annually for engineering services, seconded by Mayor Vaughn. A majority affirmative voice vote was received. Resolution 2016-R-41 will be created.

9-J “Resolution: Accept Bid for Demolition of 403 W. Elm Street” The City was provided with a proposed resolution to accept the low bid from Robert Simmons, LLC., for the demolition of 403 W. Elm Street.

On Friday, June 24th, bids were opened for the demolition of the structure at 403 W. Elm Street. Two bids were received. Doll's, Inc., submitted a bid in the amount of \$9,900.00. The low bid was from Robert Simmons, LLC., in the amount of \$5,950.00. The recommendation was to accept the low bid.

Councilman Ferguson moved to approve 2016-R-42, seconded by Councilman McLaughlin. A majority affirmative voice vote was received.

9-K "Resolution: Authorize Agreement for Credit Card Payment Processing with CourtMoney.com" The Council was provided with a proposed resolution to authorize credit card payment processing with CourtMoney.com, and a copy of the CourtMoney.com agreement.

City Clerk Sterchi had been researching the best way to accept credit card payments. An opportunity had arisen that would cost the City no money to implement the acceptance of credit card payments.

Mrs. Sterchi explained that the customer will have the option to pay certain payments online or in person using a credit card. The customer, if choosing this payment option, will be subject to a convenience fee. CourtMoney.com keeps the convenience fee. Transactions up to \$50.00 will have a \$1.75 convenience fee attached. Transactions over \$50.00 will include a 3.5% convenience fee.

CourtMoney.com will supply the City with a credit card reader at no charge, will create the online payment portal at no charge, and provide signage at no charge.

From the audience, Lauren McClain wished to clarify that payments would be accepted online. Mrs. Sterchi confirmed.

Also from the audience, Brandy McKinney asked if ACH payments would still be allowed. Mrs. Sterchi indicated that ACH would still be an option for utility payments.

Councilman McLaughlin moved to approve 2016-R-43, seconded by Councilman Harrison. A majority affirmative voice vote was received.

9-L "Discussion/Possible Action: Adding Bathrooms at Musgrove Park" The Council was provided with three different proposals for a new restroom unit at Musgrove Park. The first option is a 24'x34' facility, the second option is 18'x34', and the third option is very similar to the 24'x34' building, but had storage between the family restrooms.

Councilman McLaughlin updated the Council that the fencing at the Together We Play Park had been installed. To date, \$23,400.00 was left over in funds. Still to come would be the placement of a sidewalk and a monument. A parking lot extension was also in the works that would add 20 parking spaces. Pricing for these projects is still unknown.

Councilman McLaughlin estimated that about \$10,000.00 would be left over to contribute to the bathroom facility. The Councilman indicated that many volunteers were willing to help construct the facility.

The City Engineer estimated that the additional restrooms would cost anywhere from \$40,000.00 to \$50,000.00. The City Treasurer indicated that the current budget held \$50,000.00 for restrooms at Musgrove Park.

From the audience, Mrs. McClain felt that any additional monies left from what was budgeted should go towards updating the bathrooms at Rotary Park. Councilwoman Henton asked what Mrs. McClain would like done, specifically. Mrs. McClain replied that she would like brand new, handicap accessible restrooms.

It was noted that some space in the mechanical area may be used for storage if shelving is added.

RCRC could move forward with the restroom project. From there, the City would need to verify that prevailing wages had been paid. The City would then pay for the restrooms after funds were received from RCRC, and after Council approval.

Councilman McLaughlin moved to approve the 18'x34' facility, seconded by Councilman Harrison. A majority affirmative voice vote was received.

AGENDA #10 “REPORTS FROM ELECTED AND APPOINTED OFFICIALS”

10-A “Status Report-City Manager” The Council was provided with a Status Report from the City Manager. Mr. Barker began by stating that the first stage of the Enterprise Zone application had been approved. The final decisions would be made on September 30th.

Mr. Barker also reported that the State had declined the City's last presentation of plans for the Whittle Avenue project. Additionally, the project itself had been placed on hold by the State due to the budget issues.

City Engineer Charleston told the Council that the painting of the Washington Street water tower was going well. The contractor was currently working on the inside of the tank. Mr. Charleston added that the W. Main Street waterline work was also going better than expected.

10-B “Recommendation: Designating Land Near Musgrove House for Placement of Tree Identification Park-Tree Board” The Council was provided a memo from City Clerk Sterchi, and an e-mail from Parks & Recreation Board Chair Morgan Henton. Tree Board Chair Brandy McKinney and Eagle Scout Donnie Watson were present to speak on the recommendation.

Mrs. McKinney explained that the Tree Board had been discussing the idea of a Tree Identification Park for a while, but that the project was given a nudge when Mr. Watson came to the Board expressing interest in spearheading the Tree Identification Park as his Eagle Project.

Before Mr. Watson can make his presentation to the Eagle Board, approval would be needed from the Council on designating an area for the park. The Tree Board and Mr. Watson recommended the area near the Musgrove House at Musgrove Park.

Due to time constraints, a formal presentation had not been made to the Parks & Recreation Board, but Mrs. McKinney had spoken with Mr. Henton about the project and how it fit in with the Parks & Recreation Board's Comprehensive Plan. The proposed area had been designated as green space in the Comprehensive Plan, and Mr. Henton indicated support for the project. The Park Department Supervisor was also in favor of the project.

Mr. Watson told the Council that the proposed Tree Identification Park would include about 50 to 75 trees. The trees would also have identification plaques placed with their common and scientific names.

Mr. Watson continued to describe how such a park would be of benefit for local education, and would be an appropriate addition to Musgrove Park.

Councilwoman Henton asked what Mr. Watson's timeline was for the project. Mr. Watson replied that he would have approximately two years to complete the entire project, but he is hoping to start planting in September of this year, as September is a prime planting season.

Mr. Watson had also been working with high school teacher Mr. VanDyke who also strongly supports the park. Mr. VanDyke created a list of trees that would be appropriate. All trees would be of different varieties.

Mr. Watson's mother, Peggy Watson, asked if Mr. Watson could create a letter to solicit donations, but also note that the project would be in part to celebrate the 175th anniversary. The Council felt that would be appropriate.

Councilwoman Henton moved to approve the area near the Musgrove House at Musgrove Park for the implementation of a Tree Identification Park, seconded by Councilman McLaughlin. A majority affirmative voice vote was received.

AGENDA #11 "PUBLIC COMMENTS/PRESENTATIONS"

11-A "Brian O'Neill" Brian O'Neill, 818 E. Main Street, showed off his new, 175th anniversary t-shirt. He felt it was important that the people recognize where we came from. He also noted that all people should be treated equally. He told the Council that Mr. Ahuja had thanked him for his support.

In closing, Mr. O'Neill hoped that everyone would have a good time during the 175th anniversary.

Before adjourning to Closed Session, Mr. Yockey told the Council that there had been a recent groundbreaking ceremony for Lavender Ridge. Lavender Ridge is a new memory care facility. A ribbon cutting had also recently taken place at Stoneberger Jewelry located in the Olney Center.

AGENDA #12 “CLOSED SESSION: SALE PRICE OF REAL PROPERTY; COLLECTIVE NEGOTIATING MATTERS; ACQUISITION OF REAL PROPERTY; 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 Mayor Vaughn. A majority affirmative voice vote was received.

Councilmen Harrison, McLaughlin, Ferguson, Councilwoman Henton, Mayor Vaughn, City Manager Barker, City Attorney Zuber, City Treasurer Sanders, and City Clerk Sterchi left the Council Chambers at 8:29 p.m.

AGENDA #13 “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 9:20 p.m.

13-A “Resolution: Authorize Agreement with Barnes & Thornburg, LLP., for Legal Services” Mayor Vaughn explained that discussions had taken place on the possibility of hiring a legal firm to assist with the topic of Employment and Labor Law. The potential agreement would be effective immediately, if approved, and would authorize Barnes & Thornburg, LLP. to represent the City in all areas related to Employment and Labor Law.

Mayor Vaughn moved to approve 2016-R-44, seconded by Councilwoman Henton. A majority affirmative voice vote was received.

Mayor Vaughn mentioned that a large baseball tournament had been held at Musgrove Park over the weekend, as well as a large swim meet. He wanted to note his appreciation of the excellent work done to prepare and police the area with parking.

Mr. Barker told the Council that the Street Department had been working on crosswalk areas by adding concrete in the walkways. Some of the locations were extremely eroded, and patch had not been working.

Mayor Vaughn then noted that eight different homes were in the process of being demolished. He was very proud of the collaborative work being done to take care of dilapidated properties. He also expressed appreciation to the Police Department for having an officer work part time on junk and mowing complaints.

Councilwoman Henton asked for an update on the proposed work at the East Fork Lake parking lot. Mr. Barker replied that work had not yet begun due to the volume of traffic this time of year.

The Councilwoman also noted that the tree limbs in the City Park should be cleaned up before the 175th anniversary. Mr. Barker agreed, but noted that the bucket truck was currently in the shop for repairs.

Councilman McLaughlin was very pleased that the dirt pile had been removed from Musgrove Park. Mr. Barker told the Council that the dirt had been moved for use at the Gun Range.

Mr. Barker also updated the Council that in working on plans for the re-paving of Kitchell Avenue, it had been discovered that the curbing along the area was in disrepair. The curbing would need to be repaired before the street could be re-paved. Curb work was estimated to cost around \$10,500.00. If moving forward, the project could start in Spring of 2017. The remodeling at the courthouse was not expected to be complete until November of this year. The topic would need to be placed on a future agenda.

Mr. Barker then told the Council that he had spoken with Shad Payne regarding low pressure at his property near the Orchard Heights area. Mr. Payne requested that the City help him recover some of his cost of installing a pump and regulator for his water system. Mayor Vaughn felt that supplying funds for such a reason would set a poor precedent. The Council agreed.

Mayor Vaughn again noted his recent discussions with EJ Water and how they could help the area with some water related issues. He encouraged continuing the discussions.

Lastly, Mr. Barker reported that the parking sign located at the parking lot between City Hall and the Police Department really served no purpose. He wondered if Curves may be able to add a sign indicating their property is located off of Whittle Avenue. The Council had no issue.

AGENDA #14 “ADJOURN” Mayor Vaughn moved to adjourn, seconded by Councilwoman Henton. A majority affirmative voice vote was received.

The meeting adjourned at 9:22 p.m.

Kelsie J. Sterchi
City Clerk