

CITY OF OLNEY  
CITY COUNCIL MEETING  
NOVEMBER 25, 2019

AGENDA #1 “CALL TO ORDER” The November 25, 2019, 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. Mayor Lambird led the group in prayer.

AGENDA #3 “ROLL CALL” The following Council members were present: Greg Eyer, Morgan Fehrenbacher, Belinda Henton, and Mark Lambird. Councilman John McLaughlin entered at 7:01 p.m. Also present were City Manager Allen Barker, City Clerk Kelsie Sterchi, City Treasurer Jane Guinn, City Engineer Mike Bridges, and City Attorney Bart Zuber.

AGENDA #4 “PRESENTATION OF CONSENT AGENDA”

4-A “Approve Minutes of Council Meeting on November 12, 2019”

4-B “Approve and Authorize Payment of Accounts Payable November 26, 2019” Pooled Cash \$56,271.10, Manual Pooled Cash \$3,562.96, Utility Refunds \$1,960.37, Elliott Street Bridge \$9,128.00, Tourism \$21,88, Christmas Light Display \$4,266.75, Route 130 TIF \$148.50

4-C “Raffle License: Petroleum Club of Olney”

4-D “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” Councilwoman Fehrenbacher moved to approve the items on the consent agenda, seconded by Councilman McLaughlin. A majority affirmative voice vote was received.

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 “Recommendation: Memorial Wall at the Olney City Park Provided by the VFW”

The Council was provided with a draft plan for a memorial to be placed at the Olney City Park, provided by the Olney VFW #4226.

Parks & Recreation Board Chair Courtney Hunt told the Council that the VFW had made a presentation for the project at their meeting on November 20, 2019. The VFW hoped to revamp the current fountain in the City Park, and expand for a memorial at that location.

The Parks & Recreation Board voted to recommend approval for the project, contingent upon proper plans being submitted to the City Manager.

Commander Ryan Higginbotham and Quartermaster Robert (JR) Ritter were present on behalf of the VFW. They explained that the proposed memorial would be for Richland County veterans. The VFW was interested in using most of the patch of land where the current fountain sat. They estimated the circular memorial would be about 100 feet in diameter. To the west of the memorial would be branch flags. To the east would be an area for donor bricks. The center of the memorial would be the focal point with names of all veterans killed in action.

While the VFW would like to have the memorial completed by Veterans Day of 2020, they felt a more realistic date would be Memorial Day of 2021.

Councilman McLaughlin asked Mr. Barker if he had any concerns. Mr. Barker replied that he had some preliminary concerns regarding prevailing wage, and no answer had yet been given.

Commander Higginbotham wondered if the City could lease the land to the VFW until the memorial was completed.

Councilwoman Fehrenbacher noted that there were several large trees where the memorial hoped to be placed. Commander Higginbotham did not believe that at least two of the trees were in good condition. While trees would need to be removed for placement, he also did not want the memorial to be covered with leaves in the Fall, and they had concerns with roots damaging the memorial.

Councilwoman Fehrenbacher asked if the Council could even make a decision without answering the prevailing wage question. Mr. Zuber recommended that an answer be received first.

Councilwoman Henton asked if the City would be responsible for maintenance of the memorial after the project was finished. Commander Higginbotham replied that their fundraising efforts would go into placement of the memorial, but a foundation would also be created for upkeep.

Councilwoman Henton was also concerned with tree removal. She explained that the City was spending time and money in effort to plant trees, yet five mature trees were proposed for removal. Mature oak trees, such as the ones in the proposed location, took about 20 years to mature and bear acorns. Because of the alarmingly low number of albino white squirrels left, she was not sure that the squirrels could wait that long.

Commander Higginbotham told the Council that the VFW would be more than happy to replace the removed trees, but in another location. Councilwoman Henton asked if they would

be the size of a mature, 20 year old tree. Commander Higginbotham replied that the trees would not be that large. They would also be happy to contribute some sort of support for the 2020 Arbor Day event.

Councilwoman Henton was still concerned with the tree value that could be lost. Councilman McLaughlin felt that the value of veterans was worth more than a tree. Councilwoman Henton was not sure. She added that there were already several locations through town that honored veterans.

The Councilwoman wondered if the VFW had considered possible memorial placement at Musgrove Park. Commander Higginbotham felt that the Musgrove Park area was more suited for sports-related activities. Quartermaster Ritter also felt that people from out of town did not visit Musgrove Park as much as the City Park. Councilwoman Henton disagreed with both statements. Additionally, there were not many trees at Musgrove Park, and she felt the memorial would have better visibility.

Councilwoman Henton also had concern with the white squirrel memorial that was located in the memorial's proposed location in the City Park. Quartermaster Ritter felt that the memorial could be relocated somewhere, such as in front of the Fair Board office.

Councilman Eyer applauded the VFW for their efforts on the memorial, however he also had concerns with the site selection. He would prefer that a certified arborist assess the health of the trees. Additionally, he stated that he saw several people that enjoyed the shade of those trees over lunch time.

Councilman Eyer continued that the current fountain was out of date, but several Olney citizens grew up with that fountain. He felt there were other suitable locations that would not destroy an area that was already landscaped and well-utilized.

Councilman McLaughlin offered that once the Musgrove House was demolished, perhaps that would be a nice alternative location. Quartermaster Ritter disagreed, and felt the memorial would be too hidden at that location.

Quartermaster Ritter told the Council that it was his understanding that in order to be properly repaired, the current fountain at the City Park would need to be completely dug up as the base was leaking. Mr. Barker was not sure if that information was accurate or not.

Because more information regarding prevailing wage was needed, Mayor Lambird felt that the topic should be tabled until that time.

In the meantime, Councilwoman Fehrenbacher requested that the VFW research other options for placements, just in case.

8-B “Recommendation: Tennis Court Improvements at the Olney City Park” Mrs. Hunt told the Council that the Parks & Recreation Board had also heard suggestions from Olney Tennis Association representative, Gene Brauer, regarding future improvements to the tennis courts at the Olney City Park. Mr. Brauer felt that the courts would need to be resurfaced in 2021, and he had also done some research on what contractor would be best suited. Mr. Brauer indicated that he would like to work with the Olney Tennis Association and the RCHS tennis team to help accomplish the project.

Parks & Recreation Board Vice President Morgan Henton was also present. He clarified that Mr. Brauer did not feel that the same contractor should be used as the last time the courts were repaired. The purpose of the recommendation was to give the City an estimated price on the project in order to help prepare for future budgets.

Mrs. Hunt expected that the repair work would cost about \$30,000.00 and would need to be done every 10 years.

Councilwoman Fehrenbacher recommended that Mr. Brauer also get in touch with RCRC about the project.

Councilman Eyer wondered if the courts should be bored into to get a better idea on how to properly repair them so they would last as long as possible. Mr. Bridges indicated he could do that, if desired.

8-C “Resolution: Accept Bid for Demolition of 1009 E. South Avenue” The Council was provided with a proposed resolution to accept a bid for the demolition of 1009 E. South Avenue.

Mr. Barker told the Council that bids were solicited for the demolition of 1009 E. South Avenue. Bids were opened November 15, 2019, at 11:00 a.m., and three bids were received.

Doll’s, Inc., of Olney, Illinois, bid \$3,850.00. Hemrich Excavating of Noble, Illinois, bid \$4,000.00. Enlow, Inc., of Olney, Illinois, bid \$4,750.00. Mr. Barker recommended accepting the low bid of \$3,850.00 from Doll’s, Inc.

Councilman McLaughlin moved to approve 2019-R-76, seconded by Councilman Eyer. A majority affirmative voice vote was received.

8-D “Resolution: Reject Bid for the Primary Digester Repairs Project at the Wastewater Treatment Plant” The Council was provided with a proposed resolution that would reject a bid received for the Primary Digester Repairs Project at the Wastewater Treatment Plan.

At the last Council meeting, this item was tabled. The sole bidder for this project had been Floyd’s Welding Service, Inc., of Olney, Illinois, in the amount of \$99,600.00. Since that

time, Mr. Bridges had spoken to Floyd's Welding, Inc., about some changes that could result in cost savings. As such, Mr. Barker recommended officially rejecting the bid that was received.

Councilwoman Henton moved to approve 2019-R-77, seconded by Councilman McLaughlin. A majority affirmative voice vote was received.

8-E "Resolution: Accept Proposal for the Olney Wastewater Treatment Plant Primary Digester Repairs & Waive Formal Bidding" The Council was provided with a proposed resolution that would accept a proposal for the Olney Wastewater Treatment Plan Primary Digester Repairs and waive formal bidding.

Mr. Bridges explained that Floyd's Welding, Inc., would be able to make some changes to the project that would result in a cost savings. Instead of \$99,600.00, Floyd's Welding, Inc., submitted a proposal in the amount of \$89,500.00 for the amended scope of work.

Councilman McLaughlin asked how much had been budgeted for the project. Mr. Barker replied that \$80,000.00 was originally budgeted. If approved, the Council would need to amend the budget.

Councilwoman Henton moved to approve 2019-R-78, seconded by Councilman Eyer. A majority affirmative voice vote was received.

8-F "Ordinance: Golf Carts and UTVs on City Streets" The Council was provided with a proposed ordinance, that included several options, regarding the authorization of golf cart and UTV operation on City streets. The Council was also provided with a copy of e-mail correspondence from Director of Human Resources Cindy Harlan and a representative from Arthur J. Gallagher Risk Management Services, Inc.

Reviewing the proposed ordinance, Councilwoman Henton wondered whether such slow moving vehicles would need to be inspected yearly. She noted that was not the case in order to obtain a driver's license. She felt that if the slow moving vehicle passed initial inspection, that was probably good enough. If not, the Police Department could issue citations, similar to regular vehicles.

Because not many people would be licensing slow moving vehicles, Councilwoman Henton also did not believe that inspections would be much of a burden. She felt that the Police Department should perform the inspections instead of an area business.

Councilwoman Fehrenbacher disagreed, stating that she felt that Police Department had more than enough on their plates.

Referencing the copy of e-mail correspondence, Councilman Eyer pointed out that the insurance broker had stated that such allowance of slow moving vehicles had the potential for serious accidents if not properly controlled.

Councilman Eyer then read a prepared statement. The Councilman explained his opinion on the danger of golf carts on City streets and felt it was a recipe for disaster. If the ordinance passed, he felt it would bring the possibility of injury or death that did not exist before. As such, if the ordinance did pass, he encouraged the Council to remember how they voted if and when they were to first hear of such an accident.

From the audience, Dr. David Eckiss asked if an establishment such as Travco would be better suited to identify problems on slow moving vehicles during inspections.

Also from the audience, Phillip Bennet expressed his continued concern about not allowing golf carts on East and Hall Streets. He felt that the crossing at closest intersections did not make much sense. Fellow audience member John Snyder agreed with Mr. Bennett. Other than school traffic, he did not feel that East or Hall Streets were busy at all.

Councilwoman Henton was in favor of allowing slow moving vehicles on East and Hall Streets outside of school traffic hours. Councilman McLaughlin agreed.

From the audience, Tom Henton pointed out that he had a moped that traveled at 20 mph with no additional protection. He was allowed to go anywhere in town on that moped. Councilman Eyer countered that a moped was more maneuverable than a golf cart.

The Council then discussed what would define "school hours."

The proposed changes to the ordinance were getting difficult to follow. Councilwoman Fehrenbacher recommended voting on each one and then the ordinance as a whole.

Councilwoman Henton moved to have section B, under Rules and Regulations, on page two state, "Must be certified with the City and have the vehicle certified with the City pursuant to inspection by the Chief of Police or a designated representative," seconded by Councilman McLaughlin. Councilwomen Fehrenbacher, Henton, Councilmen Eyer, McLaughlin, and Mayor Lambird voted yes. There were no opposing votes. The motion carried.

Councilwoman Henton moved to change the first sentence of section L, under Rules and Regulations, on page three to state, "Golf carts may not be operated on the following roadways except to cross said roadway at an intersection;" seconded by Councilman McLaughlin. Councilmen Eyer, McLaughlin, Councilwomen Henton, Fehrenbacher, and Mayor Lambird voted yes. There were no opposing votes. The motion carried.

Chief Paddock felt that enforcing slow moving vehicle restrictions in school zones during school hours would be a nightmare. Councilwoman Fehrenbacher agreed.

Mayor Lambird moved to not make any changes for time restrictions, and leave the prohibited street listings as presented, seconded by Councilwoman Fehrenbacher. Mayor Lambird, Councilwoman Fehrenbacher, and Councilman Eyer voted yes. Councilwoman Henton and Councilman McLaughlin voted no. The motion carried.

Councilwoman Henton moved to change section B (1) under Permits to read, "The vehicle shall be inspected by the Chief of Police or a designated representative to insure the vehicle is in compliance with this ordinance. For the renewal of a permit, applicant must only show that the vehicle has previously passed inspection and affirm that no changes to the vehicle have occurred," seconded by Councilman McLaughlin. Councilman McLaughlin, Mayor Lambird, Councilman Eyer, and Councilwoman Henton voted yes. Councilwoman Fehrenbacher voted no. The motion carried.

If passed, Mayor Lambird wondered when the ordinance would go into effect. Mr. Zuber replied that the ordinance would be effective upon passage, but no permits would be provided until the City was ready to go with compliance to State law, and when appropriate stickers for the vehicles were received.

Councilwoman Henton moved to approve Ordinance 2019-36, seconded by Councilman McLaughlin. Mayor Lambird, Councilwoman Henton, and Councilman McLaughlin voted yes. Councilwoman Fehrenbacher and Councilman Eyer voted no. The motion carried.

Mr. Zuber would make the necessary updates to the ordinance.

8-G "Resolution: Calling for Referendum for a 0.5% Sales Tax Increase for Road Maintenance" The Council was provided with a proposed resolution to call for a referendum on a sales tax increase for road maintenance. The Council was also provided with a portion of a Powerpoint presentation from Princeton, Illinois, and a copy of 65 ILCS 5/8-11-1.1 and 65 ILCS 5/8-11.1.2.

Mr. Zuber told the Council that he had been researching statutes on necessary wording for a referendum proposing any sales tax increases for road maintenance. According to the information, sales tax increases can be passed for expenditures related to municipal operations, public infrastructure, or property tax relief. Mr. Zuber believed that an increase for road maintenance would best fall under public infrastructure.

Mr. Zuber continued that while the referendum could not explicitly state that the funds would be used only for road maintenance, the resolution that the Council would adopt if the referendum passed, could make that statement.

Councilman McLaughlin asked if a sunset clause could be included. Mr. Zuber replied that none of his information mentioned allowance of a sunset clause on the referendum, but the resolution or ordinance adopted after the referendum passed could state such a clause.

Councilman McLaughlin was aware that non-home rule municipalities could only have a 1% non-home rule tax. He wondered if Olney already had such. Mr. Zuber replied that Olney did not.

Mayor Lambird asked if funds received from such sales tax increase could be restricted. Mrs. Guinn replied that a separate checking account could be created.

From the audience, Mr. Snyder wondered who would determine what sales would be taxed. Mayor Lambird replied it would be up to State statute. Councilman Eyer clarified that it would be similar to the RCCU #1's sales tax increase.

Councilwoman Fehrenbacher still felt that there was not enough time to properly inform the public before the Spring election. From the audience, Bryce Fehrenbacher disagreed. He felt that the public could be educated for five years and there would still be people that would not know about it. He added that there was no perfect time to pass a sales tax increase. Additionally, he felt that the Spring ballot would bring out the highest concentration of local municipal voters.

Councilwoman Henton wondered how the public could get informed. Councilwoman Fehrenbacher felt that the Citizen's Road Committee could do so.

This topic was then tabled.

8-H "Ordinance: Authorize the Sale of Personal Property Owned by the City of Olney – Stone Plate Packer S 35 from the Sewer Department" The Council was provided with a proposed ordinance that would authorize the sale of an S 35 Stone plate packer from the Sewer Department on GovDeals.com.

Mr. Barker told the Council that the packer was not functional and was no longer needed.

Councilwoman Henton moved to approve Ordinance 2019-37, seconded by Councilwoman Fehrenbacher. A majority affirmative voice vote was received.

8-I "Discussion: Tax Levy" In the prior week, Mrs. Guinn had supplied the Council with a copy of tax levy proposals with pension calculations. Mrs. Guinn had spoken with Tim Hahn at the Richland County Assessor's Office, and he had estimated that the EAV range for the City would remain flat or increase by 1%. Mrs. Guinn's calculation on the tax levy proposal would increase the EAV by .5%, however Mrs. Guinn and Mr. Barker recommended an increase of 3.798% for the City and a 0% increase for the Library. The 3.798% City increase would add

approximately \$55,000.00 to the Fire Pension Fund above the actuarial determined amount, and would get the Fund to a break-even point of expenses going out and funding.

Other changes included adding \$1,000.00 to the Municipal Band line item for replacement of lighting fixtures. Unemployment Insurance was also reduced by \$8,000.00 because that particular bank account warranted such a reduction.

Mrs. Guinn continued by stating that no additional payments for IMRF were included for the City. The Library may be able to contribute an extra \$5,000.00 to IMRF as an additional payment.

Mayor Lambird asked if any news had been received on combining downstate Fire and Police Pension funds. Mrs. Guinn had learned that a vote had passed to break out into two extra funds that would be set up like IMRF. These funds would not be attached to the State Treasury Fund at all. Each municipality's funds would remain intact. For example, if the City put in 2% of the fund total, the City would get 2% of the investments and would be charged for 2% of the administration fees. Additionally, City pension boards would only need half of what was currently required for training hours. The boards would also have to determine eligibility for pensions, disability, etc. The new changes would be effective January 1, 2020, but would have a transition period of about 30 months.

No action was taken on this item.

AGENDA #9 "REPORTS FROM ELECTED AND APPOINTED OFFICIALS"

9-A "Status Report-City Manager" Mr. Barker had nothing additional to report.

9-B "RCDC Report" Mr. Yockey had nothing to report.

9-C "Chamber of Commerce Report" Councilwoman Fehrenbahcer reported that the Community Tree Lighting would take place in Bower Park from 5:00 p.m. until 6:00 p.m. on November 27, 2019. Small Business Saturday would also take place on November 30, 2019, and the Christmas Parade was scheduled for that same evening at 6:30 p.m. December 6, 2019, would be the evening of Moonlight Madness from 5:00 p.m. until 10:00 p.m.

9-D "Parks & Recreation Board Report" Mrs. Hunt had nothing additional to add other than the Board would be participating in Bucket Brigade on December 17, 2019.

9-E "Tourism Board Report" Councilwoman Henton had nothing to report.

AGENDA #10 "PUBLIC COMMENTS/PRESENTATIONS" Councilman McLaughlin told the Council that the Olney Rotary was finalizing plans for the Christmas Parade. To date, 83 entries were submitted. In case of rain, the parade would take place on December 1, 2019, at 6:30 p.m.

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

Councilmen Eyer, McLaughlin, Councilwomen Fehrenbacher, Henton, Mayor Lambird, City Manager Barker, City Attorney Zuber, City Treasurer Guinn, and City Clerk Sterchi left the Council Chambers at 8:41 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 Councilwoman Fehrenbacher. A majority affirmative voice vote was received. Open session resumed at 9:04 p.m.

Mr. Yockey told the Council that a couple of businesses were looking for areas to expand, and had expressed interest in 60 acres north of Pacific Cycle. If development moved forward, sewer would need to be extended. Water was already at the location.

Mr. Yockey was researching grant opportunities, but also offered that a new TIF district could be created to help set the area up for establishment. Additionally, infrastructure costs would be TIF-eligible expenses.

RCDC had been doing some preliminary work with PGAV, and wanted to engage them to work on a study to help establish a new TIF district. Their consulting fee would be about \$30,000.00. That fee could be reimbursed through the newly created TIF.

Councilman McLaughlin recalled that in order for a new TIF to be created, approval would be needed from the other taxing bodies. Mr. Yockey confirmed. The first step would be to create an inducement resolution to enact the PGAV study. From there, a public hearing would be needed to get input from interested parties. After that, an ordinance would be created to enact the TIF. Mr. Yockey believed the process could last about 6 months.

Councilman McLaughlin asked if Mr. Yockey’s prospects would then ask for TIF reimbursement. Mr. Yockey indicated that the prospects were working on a request. If the Council was interested in moving forward, the requests could be noted and included in the inducement resolution.

Overall, the Council expressed interest in creating a new TIF district, but felt that the area to be included may need to be adjusted.

Mr. Barker told the Council that ACI Roofing had submitted a request for payment on the Pacific Cycle Roof Project. They had submitted their invoice too late to be included in this evening's payables. Mr. Barker asked if the Council would be in consensus to provide the payment with formal approval at the next meeting. The Council was not in consensus to provide the early payment.

AGENDA #13 "ADJOURN" With no further business to discuss, Councilman McLaughlin moved to adjourn, seconded by Councilwoman Fehrenbacher. A majority affirmative voice vote was received.

The meeting adjourned at 9:26 p.m.

Kelsie J. Sterchi  
City Clerk

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