

CITY OF OLNEY  
CITY COUNCIL MEETING  
OCTOBER 14, 2019

AGENDA #1 “CALL TO ORDER” The October 14, 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. Jeff Belmear led the group in prayer.

AGENDA #3 “ROLL CALL” The following Council members were present: Greg Eyer, Morgan Fehrenbacher, Belinda Henton, John McLaughlin and Mark Lambird. 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 September 23, 2019”

4-B “Approve and Authorize Payment of Accounts Payable October 15, 2019” Pooled Cash \$207,286.48, Manual Pooled Cash \$128,840.12, Utility Refunds \$1,435.60, Petty Cash \$55.70, Project Fund Account \$177,121.00, Fire Pension \$4,522.02, IMRF \$26,848.99, Tourism \$130.85, Route 130 TIF \$244.00

4-C “Raffle License: OCC Phi Theta Kappa”

4-D “Raffle License: OCC Athletics”

4-E “Raffle License: Olney USBC”

AGENDA #5 “REMOVAL OF ITEMS FROM 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.

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: Splash Pad at Musgrove Park Provided by Project Community” Parks & Recreation Board members Morgan Henton and Courtney Hunt were present. Mr. Henton told the Council that at the last Parks & Recreation Board meeting, Mrs. Hunt was elected as the new Chair, and he would be serving as the Vice Chair. Also at their last meeting, Project Community gave a presentation regarding their interest in fundraising for a Splash Pad to be placed at Musgrove Park. The Board discussed the request and had the opportunity to ask questions.

The Parks & Recreation Board's Comprehensive Plan had originally designated additional basketball courts to be placed in the proposed location of the Splash Pad. Because basketball courts were already in existence, and the fact that the Board thought a Splash Pad would be a great addition, the Board voted in favor of recommending Council approval for placement of the Splash Pad.

From the audience, Project Community member Gary Houchin told the Council about how Project Community had decided on the idea of fundraising for a Splash Pad. Currently, Project Community was working under the Richland County Recreation Council (RCRC), but was currently in the process of becoming its own 501(c)(3).

Project Community member Jason Doris then addressed the Council. He rolled out his copy of a detailed plan for Splash Pad placement. Several areas were considered for placement, but this area in between the pool and the basketball courts was believed to be ideal. Additionally, a meeting with the City Manager and Park Department Supervisor had taken place to discuss placement, and both agreed that the proposed area would be acceptable.

General quotes were being accepted by Project Community for a Splash Pad that would have a 40'x80' footprint, though those dimensions could change. Project Community had also discussed whether or not to seek a free-flow water pad or a recirculating water pad. The group had decided to go with a recirculating water pad. Their research showed that such a pad would go through about 145 gallons of water per minute. The pad would not be flowing constantly, rather it would have three actuators. Actuators are buttons that can be turned on when a child wished to play, and would stay on for a certain amount of time.

Hours and months of operation for the Splash Pad were still being discussed. Project Community hoped to have the Splash Pad fenced.

Mike Bridges was a certified Aquatic Engineer. Because of this, he would be constructing and submitting plans to the Illinois Department of Health for approval.

Councilman McLaughlin expressed his approval for placement of a Splash Pad. However, the Councilman asked that Project Community consider the need for parents and guardians to go back and forth between the pool and the Splash Pad. Perhaps an access on the northern side of the pool fence could be added. Councilwoman Fehrenbacher was concerned with how pool attendance would be monitored if such an access was placed.

Mr. Doris was not opposed to researching another access point, but made it clear that the group did not want to impose extra expenses or problems for the City.

Councilman Eyer wondered if the Splash Pad could be fenced in with the pool. Mr. Doris pointed out that if that happened, then users would be charged entry. Councilwoman Fehrenbacher added that there was also a drainage ditch between the pool and the proposed site that would not make fencing in of the pool and Splash Pad feasible.

From the audience, two students from St. Joseph Catholic School addressed the Council. The first speaker was Andrew Lambird. Mr. Lambird told the Council that he thought a Splash Park would be a great addition to Musgrove Park because it would be free to use, open to everyone, and would be a good location to meet with friends and family.

Nora McClain spoke next, noting that the Splash Pad would be accessible to children and adults of all abilities. Additionally, the site could be utilized for physical therapy sessions and would be a great place for making new friends.

Mr. Lambird continued that the Splash Pad would be an attraction for out-of-town guests. Local businesses would also benefit from having additional people enjoying Olney's variety of shops and restaurants.

Ms. McClain pointed out that additional tax revenue would be received from those out-of-town guests that utilized the shops, restaurants, and overnight accommodations.

Mr. Lambird and Ms. McClain encouraged the Council to consider the future of the Olney community, and thanked the Council for their consideration.

Councilman McLaughlin moved to approve the recommendation for placement of a Splash Pad at Musgrove Park provided by Project Community, seconded by Councilman Eyer. Councilwoman Henton, Councilmen McLaughlin, Eyer, and Mayor Lambird voted yes. Councilwoman Fehrenbacher abstained. The motion carried.

8-B "Request: Class C Liquor License for Olde Tyme Steakhaus, Inc." The Council was provided with a Class C liquor license application from Olde Tyme Steakhaus, Inc. Levi and Caitlin Densmore were present to answer any questions regarding the request.

As of January 2020, Rick and Penny Densmore (Skipper's Galley, Inc., d.b.a. Olde Tyme Steakhaus) would be relinquishing ownership of their restaurant to their son and daughter-in-law (Levi & Caitlin Densmore). While the restaurant would still be operated as the Olde Tyme Steakhaus, the corporation name would be changing. As such, a new Class C liquor license was necessary. No ordinance was needed as the Skipper's Galley, Inc., liquor license would be revoked as of January 2020.

Councilwoman Henton moved to approve a Class C liquor license for Olde Tyme Steakhaus, Inc., seconded by Councilman McLaughlin. A majority affirmative voice vote was received.

8-C "Discussion: Use of Golf Carts/UTVs on Streets Inside City Limits" The Council was provided with a written statement from Linda Stanley Miller.

At the last Council meeting, the Council expressed curiosity on how many signs would be needed if slow moving vehicles were allowed on City streets, and their price. Councilwoman Henton researched 24"x24," high intensity, prismatic signage. Such signs would cost \$26.96 each. She had also spoken with IDOT, and they indicated that signs would not need to be

posted, however that contradicted the State statute. Councilwoman Henton believed that the amount of signage would likely be a Council decision.

Councilwoman Henton had also spoken with the City of Carmi. Carmi had an allowable ordinance for several years. They had indicated that the first six months after passage of the ordinance was rough with enforcement. Because Carmi was very strict with violators from the start, they now had very few incidents. Their only expressed burden was having their police department conduct annual inspections. Carmi only posted signs in a few places, and posted signs warning that slow moving vehicles may be crossing highways. Additionally, a copy of Carmi's ordinance was given to the applicants that showed the listing of prohibited streets.

Councilwoman Fehrenbacher had received some comments from individuals not in favor of golf carts. She asked if the other members of the Council had received any public input. Councilwoman Henton received comment from Phil Bennett in favor of golf carts. The written statement from Linda Stanley Miller indicated favor of golf carts and not UTVs. Additionally, the City Clerk had received a verbal statement from Ken Benson that he was not in favor of any slow moving vehicle on City streets.

Councilwoman Henton felt that slow moving vehicles should have rearview mirrors. Regarding prior discussion about prohibited streets, she stated that she would be in favor of having slow moving vehicles on Butler, East, Lafayette, or Hall streets. Councilwoman Fehrenbacher, Councilmen Eyer and McLaughlin did not agree, especially during certain time frames.

Councilman Eyer was not convinced that there was enough interest to pass such an ordinance. Councilwoman Henton replied that Carmi had started with low interest and now licensed about 70 per year.

Councilman Eyer was also still very concerned with potential safety issues that would arise from allowing slow moving vehicles on City streets. Councilwoman Henton felt that if individuals were concerned with such safety, then they should not use a slow moving vehicle. Councilman McLaughlin agreed, stating that people should be responsible for any risks they take. Additionally, the Councilman felt that most use of slow moving vehicles would be in side neighborhoods.

Councilman McLaughlin went on to say that the public can get injured anywhere, such as at the upcoming Splash Pad. He did not feel the City should govern on what-ifs. Councilman Eyer disagreed and felt that they were discussing "apples and oranges."

Mayor Lambird did not feel it would be prudent to allow for golf carts and felt it would slow traffic. Golf carts typically reached a top speed near 15 mph whereas UTVs could reach 75 mph or higher.

Councilman McLaughlin recalled that the Council had discussed only allowing slow moving vehicles on roads with speed limits of 35 mph or less. Councilman Eyer wondered if

any roads inside City limits exceeded that speed limit. Councilwoman Henton replied that a portion of S. Whittle Avenue was listed at 40 mph.

From the audience, Ron Workman recalled seeing lawn mowers drive on City streets and did not feel they were less dangerous than golf carts. Also from the audience, Steve Bryan commented on seeing wheelchairs on City streets. Councilwoman Henton pointed out that ADA requirements limited regulations for wheelchairs.

From the audience, Elaine Snider stated that she was in favor of allowing golf carts, but certainly would not be going to the grocery store in one. She simply wanted to be able to utilize her golf cart in the Taylor and Doenges Subdivisions. Mayor Lambird agreed that such subdivisions would be suitable for golf carts, and was more concerned with busier roadways. Councilwoman Fehrenbacher recalled that Mr. Bryan wanted to use his golf cart to go to and from Dollar General. Councilwoman Henton did not believe that would be an issue since Mr. Bryan only lived a couple of blocks away.

Councilwoman Henton and Councilman McLaughlin were in favor of coming up with some sort of ordinance that would allow for slow moving vehicles. Councilman Eyer would be in favor of a very limited scope of allowance and only if the vehicles were contained within a subdivision. Councilwoman Fehrenbacher felt there were getting to be too many rules in the discussion. She felt the City should either allow it or not allow it. She reminded the Council that the Police Chief had already stated that he did not have enough manpower to enforce such an ordinance.

Mayor Lambird explained that he was more comfortable with allowing for only UTVs because traffic would not be impeded, and there would be less chance of injury in an accident. Councilwoman Henton reminded him that the original request was only for use of golf carts and not UTVs, though she was in favor of allowing both.

Councilman McLaughlin asked Councilwoman Henton if she could draft a mock ordinance that would lay out all of the details. She replied that she could.

The topic of licensing was then discussed. Councilwoman Henton felt that a \$50.00 license would be sufficient. Councilwoman Fehrenbacher disagreed, pointing out that a non-resident Class D boat license costed more than that. Mr. Bryan felt it should be no more than \$35.00, and asked if the Council was trying to “break” everyone. Councilwoman Fehrenbacher did not believe so, because such licensure was a privilege and not a requirement.

From the audience, Mr. Henton wondered if TravCo or any mechanic could perform the yearly inspections instead of the Police Department. He felt that would give area businesses additional revenue and would take that responsibility off of the Police Department.

Police Chief Paddock asked if the slow moving vehicles would be permitted year-round; specifically in the snow. Councilwoman Henton believed so. Mayor Lambird thought UTVs would be appropriate in that situation.

Mr. Bryan was getting very frustrated in the audience. He said that when he had originally spoken to Mayor Lambird, the Mayor had said he would be in favor of golf carts on the road. Mayor Lambird disagreed, though Mr. Bryan kept contesting. Mayor Lambird made clear that he did not recall saying to Mr. Bryan that he would be in favor of golf carts, especially since he felt they were somewhat dangerous. Mr. Bryan felt that the Mayor was going back on his word. Mayor Lambird said he was trying to be responsible for Olney, and pointed out that the Council needed to be worried about citizens' safety and rights. Councilwoman Fehrenbacher also reminded Mr. Bryan that much more information had been received since his original request.

No action was taken on this topic.

8-D "Ordinance: Authorize Sale of Items of Personal Property Owned by the City of Olney – Scrap Metal from Sewer Department" The Council was provided with a proposed ordinance that would authorize the sale of scrap metal from the Sewer Department to Scrap Daddy, Inc., of Olney, Illinois.

Councilman McLaughlin moved to approve Ordinance 2019-30, seconded by Councilwoman Henton. A majority affirmative voice vote was received.

8-E "Resolution: Accept State Bid for a 2019 Ford Interceptor Sedan AWD for the Police Department & Waive Formal Bidding Procedures" The Council was provided with a proposed resolution that would accept a State bid for a 2019 Ford Interceptor Sedan AWD for the Police Department and waive formal bidding procedures. The Council was also provided with a copy of the State bid from Morrow Brothers Ford of Greenfield, Illinois.

Mr. Barker told the Council that the Police Department had budgeted for the purchase of a new vehicle this fiscal year. Similar to last year, Mr. Barker recommended that the Council accept the State bid in the amount of \$36,890.00 for the 2019 Ford Interceptor Sedan AWD. He also recommended to waive the formal bidding procedures to accept this offer.

Mr. Barker pointed out that the new vehicle would not be an SUV. Chief Paddock explained that the pricing on the SUV models had gone up by \$8,000.00.

Councilman McLaughlin moved to approve 2019-R-69, seconded by Councilwoman Fehrenbacher. A majority affirmative voice vote was received.

8-F "Discussion/Possible Action: Additional Scope of Work for the Pacific Cycle Roof Project" The Council was provided with a copy of e-mail correspondence from Code Enforcement Officer Dallas Colwell and Brian Brookheart of ACI Roofing.

Mr. Barker reminded the Council that in April of 2019, the City approved a roof repair project at the Pacific Cycle building. The cost for the project was \$354,242.00. Recently, Mr. Brookheart had contacted the City to recommend additional repairs on the roof. His recommendation for the needed repairs was estimated to be about \$85,000.00, plus costs associated with the removal of equipment from the roof.

Mr. Barker continued that the City still had about \$73,000.00 that could be used for the additional repairs.

If these additional repairs were made, Councilman McLaughlin asked how much more of the roof would need repair. Mr. Barker was uncertain, but knew that what had not been worked on in the past six years or so was not yet leaking.

Councilman McLaughlin asked if the \$73,000.00 was what remained from the funds allocated from Roadmaster. Mrs. Guinn replied it was not. Each year, the City had been earmarking funds to set aside for maintenance to the Pacific Cycle roof.

Mr. Barker told the Council that if they approved the additional expenditure for these new repairs, the City would not appropriate additional funds in the 2020/2021 budget.

Councilman McLaughlin wondered about how long it would be before the building needed more attention. Mr. Brookheart replied that the older sections were repaired in 2003 and now out of warranty. That area was approximately 200,000 square feet. He expected another five years could go by before more work would be needed.

Councilwoman Fehrenbacher wanted to be certain that if no additional funds were appropriated in 2020/2021 because of the current need, that the City still continue to earmark funds after the next fiscal year.

Since Councilman McLaughlin's time on the Council, a large sum of money had gone into Pacific Cycle roof repairs. He felt the City was lucky that funds had already been set aside for much of that work. He expressed concern with all of the additional work being paid for by the taxpayer. He said that at some point, the City would need a plan for the building that was in line with what would be responsible for the City.

Councilman Eyer asked if Pacific Cycle's rent costs were sufficient for maintaining a reserve fund. Mr. Barker replied their rent was not sufficient in that way. Property tax was paid for by Pacific Cycle, however. Councilman Eyer then asked if the City had ever raised rent for Pacific Cycle. Mr. Barker did not believe so.

Councilman Eyer then asked if it was possible that other roofers could complete the work, or if the City needed to use ACI Roofing. Mr. Barker replied that ACI Roofing had worked on the Pacific Cycle roof for many years, were familiar with the roofing system, and provided a warranty service. The Council agreed that they were pleased with ACI Roofing's quality and value.

Mayor Lambird moved to approve an additional scope of work for the Pacific Cycle Roof Project to not exceed \$130,000.00, seconded by Councilman Eyer. A majority affirmative voice vote was received.

8-G "Resolution: Accept Quote for Replacement of the #2 Pump at the Polk Lift Station and Waive Formal Bidding Procedures" The Council was provided with a proposed resolution to

accept a quote for replacement of the #2 pump at the Polk Lift Station and waive formal bidding procedures.

Earlier in the year, the Council approved a quote and waived formal bidding for replacement of the #1 pump at the Polk Lift Station. Mr. Barker reported that unfortunately, the #2 pump had also since gone out and required replacement. Cardinal Pump of St. Louis, Missouri, quoted \$13,245.00, but that did not include labor pricing. Straeffer Pump & Supply of Chandler, Indiana, quoted \$13,849.00, and that price included all labor costs.

Councilman McLaughlin asked if the second pump replacement was budgeted for this year. Mr. Barker indicated it had not been budgeted for, but enough money remained in the Sewer Department's Maintenance of Lift Stations line item to accommodate the repair.

Councilwoman Henton moved to approve 2019-R-70, seconded by Councilwoman Fehrenbacher. A majority affirmative voice vote was received.

**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” RCDC Executive Director Courtney Yockey told the Council he had joined the Enterprise Zone Association's Board of Directors for a two-year term. He looked forward to advocating for Richland County.

9-C “Chamber of Commerce Report” Councilwoman Fehrenbacher told the Council that the Taste of Fall had taken place on October 11<sup>th</sup>. The weather was terrible, but she still saw people out and about collecting their treats while under their umbrellas. She added that Joe's Pizza's pumpkin cannoli's were very good. October 15<sup>th</sup> would also be the date for the Chamber's monthly luncheon at the Olde Tyme Steakhaus. The Richland County CEO class would be speaking at the luncheon.

9-D “Parks & Recreation Board Report” Mrs. Hunt told the Council that she had just attended her first meeting in September and thanked them for appointing her.

9-E “Tourism Board Report” Councilwoman Henton felt that tourism in Olney had been steady in regard to the white squirrels. She had been receiving many calls of visitors wanting to see a white squirrel, and she was able to show the visitors one she has been helping to rehabilitate. Additionally, the last day of the 2019 Squirrel Count was coming upon October 19<sup>th</sup>, and Dr. Stencil would be in attendance. She planned to speak with him on some ideas about helping the white squirrel population.

**AGENDA #10 “PUBLIC COMMENTS/PRESENTATIONS”** No one from the public wished to speak.

**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 Eyer. 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 7:59 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 McLaughlin. A majority affirmative voice vote was received. Open session resumed at 8:29 p.m.

Mr. Barker told the Council that asbestos removal was scheduled for the Musgrove House and should be completed within the next 30 days. Councilman McLaughlin and Councilwoman Henton asked if demolition bids could be sought now. Mr. Barker would work on the bid specifications.

Mr. Barker, Councilman McLaughlin, and Councilwoman Fehrenbacher would not be in attendance at the October 28, 2019, meeting.

Councilman McLaughlin told the Council that planning work was being done for the Olney Rotary’s Christmas Parade that would take place on November 30th. The Facebook event page already had 2,600 interactions.

Mayor Lambird mentioned that the cannabis zoning ordinance was being developed to start the process of implementation. Mr. Zuber added that having the zoning in place helped interested parties in their application process.

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

The meeting adjourned at 8:36 p.m.

Kelsie J. Sterchi  
City Clerk