

CITY OF OLNEY
CITY COUNCIL MEETING
APRIL 13, 2020

AGENDA #1 “CALL TO ORDER” The April 13, 2020, 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 physically present: Mark Lambird, John McLaughlin, Morgan Fehrenbacher, and Greg Eyer. Also physically present were City Manager Allen Barker, City Clerk Kelsie Sterchi, City Treasurer Jane Guinn, and City Engineer Mike Bridges. Section 6 of Governor Pritzker’s COVID-19 Executive Order No. 5 allowed for attendance to take place via video, audio, and/or telephonic means. Attending by video and audio were Councilwoman Belinda Henton and City Attorney Bart Zuber.

AGENDA #4 “PUBLIC HEARING: 2020/2021 FISCAL BUDGET” The Illinois State Statute requires the Council to hold a public hearing for the tentative fiscal year 2020/2021 budget. Notice was given to the media that the tentative budget was available for viewing via City Hall. The purpose of the hearing would be to allow the public to express their opinions and to ask questions regarding the tentative budget. Mayor Lambird then addressed the audio/video audience by asking if anyone had comments concerning the proposed budget. No one from the public wished to speak. The public hearing was closed.

AGENDA #5 “SOUTH OLNEY REDEVELOPMENT PROJECT AREA” The Illinois State Statute also required the Council to hold a public hearing regarding the proposed South Olney Redevelopment Project Area (TIF District). Notice was given to the media that the South Olney Redevelopment Project Plan was available for viewing via City Hall. The purpose of the hearing would be to allow the public to express their opinions and to ask questions regarding the proposed TIF District. Attending electronically was Adam Stroud from PGAV. Mayor Lambird asked Mr. Stroud if he wished to speak before opening up for public comment.

Mr. Stroud explained that the proposed TIF District held 297 acres and approximately 31 parcels on the south side of town near Routes 130 and 50. The proposed TIF District would also include a large lot near Pacific Cycle. The proposed TIF District had also been qualified by the State as a blighted area, and that was a requirement in order to designate a new TIF District.

Mr. Stroud then pointed out that the proposed TIF District included some agricultural land. In order for such land to be considered vacant and to be included, it must be subdivided into one or more tracts. This subdividing process was currently being completed by the City Engineer.

The planned land uses for the proposed TIF District also fell in line with the City's Comprehensive Plan. The budget for this redevelopment was projected to be near \$9,000,000.00. The source of that funding would be created as industrial development occurred.

Mr. Stroud then noted that the proposed TIF District would also allow for funds to be used for improvements to the Pacific Cycle building.

Mr. Stroud reported that per State Statute, nearby property owners were also notified. Additionally, a Joint Review Board meeting was held on March 4, 2020. The Joint Review Board voted to recommend that the City Council accept and move forward with the South Olney Redevelopment Project Area. From this point, the last step would be to hopefully have the Council pass necessary ordinances that would formally create the South Olney Redevelopment Project Area.

Mayor Lambird then asked if anyone had comments concerning the proposed South Olney Redevelopment Project Area.

From the audience, RCDC Executive Director Courtney Yockey stated that RCDC was supportive of the proposed South Olney Redevelopment Project Area, and that he encouraged the City to move forward with putting the TIF District in place.

No one from the public wished to speak. The public hearing was closed.

AGENDA #6 "PRESENTATION OF CONSENT AGENDA"

6-A "Approve Minutes of Council Meeting on March 26, 2020"

6-B "Approve and Authorize Payment of Accounts Payable April 14, 2020" Pooled Cash \$123,457.09, Manual Pooled Cash \$107,752.61, Petty Cash \$272.00, Foreign Fire \$957.46, Water Capital Improvement \$15,520.00, Fire Pension \$496.00, Police Pension \$620.00, MFT \$1,681.94, IMRF \$30,171.34, Unemployment Insurance \$5,111.34, Tourism \$5,043.00

6-C "Raffle License: Center Shrine Club"

6-D "Raffle License: VFW Auxiliary #4226"

6-E "Raffle License: Master's Hands"

AGENDA #7 "REMOVAL OF ITEMS FROM CONSENT AGENDA" Councilwoman Henton requested that items 6-C through 6-E be removed from the consent agenda.

AGENDA #8 "CONSIDERATION OF CONSENT AGENDA" Councilman McLaughlin moved to approve items 6-A and 6-B on the consent agenda, seconded by Councilwoman Fehrenbacher. A majority affirmative voice vote was received.

AGENDA #9 "CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA" Councilwoman Henton expressed her concern with any raffle licenses being approved during the COVID-19 pandemic.

Councilwoman Fehrenbacher wondered how the raffle chances would be sold. Other than the VFW Auxiliary #4226, no one was sure. The VFW Auxiliary #4226 would be selling their raffle chances at the VFW during their Taco Nights.

Councilman McLaughlin had no problem with at least approving the VFW Auxiliary #4226's raffle license application since it was their yearly renewal. He also stated he did not have much of a problem approving the others either. Councilwoman Fehrenbacher agreed.

Councilwoman Fehrenbacher moved to approve items 6-C through 6-E, seconded by Councilman McLaughlin. A majority affirmative voice vote was received with Councilwoman Henton voting no.

AGENDA #10 “PRESENTATION OF ORDINANCES, RESOLUTIONS, ETC.”

10-A “Resolution: Accept Bid for Furnishing and Delivery of Concrete for Street Patching, Curb and Gutter Construction, and Miscellaneous Construction” The Council was provided with a proposed resolution to accept bids for the furnishing and delivery of concrete for street patching, curb and gutter construction, and miscellaneous construction.

Mr. Barker explained that bids had been solicited for various mixes of concrete for the period of May 1, 2020, through April 30, 2021. Doll's, Inc., and Schrey Systems, Inc., both placed bids on all mixes of concrete. Schrey Systems, Inc., was the low bidder for all mixes. It was recommended to accept the low bids from Schrey Systems, Inc.

Councilman McLaughlin moved to approve 2020-R-18, seconded by Councilwoman Fehrenbacher. A majority affirmative voice vote was received.

10-B “Resolution: Accept Bids for Sand, Pea Gravel, Crushed Stone and Riprap” The Council was provided with a proposed resolution to accept bids for the furnishing and delivery of sand, pea gravel, crushed stone and riprap.

Mr. Barker indicated that bids had also been solicited for sand, pea gravel, crushed stone and riprap for the period of May 1, 2020, through April 30, 2021. Kevin Moore Trucking, Rudolphi Trucking, Charles Heuerman Trucking, Charles H. Carter & Son, Tri-State Logistics, and Green Dream International had all submitted bids.

It was recommended to accept the CA-6, crushed stone 1”, and crushed stone 2” bids from Kevin Moore Trucking of Sumner, Illinois. It was recommended to accept the bid for pea gravel from Rudolphi Trucking of Olney, Illinois. It was also recommended to accept the bid for riprap from Charles Heuerman Trucking of Teutopolis, Illinois. Mr. Barker added that other than CA-6, all material costs would be decreasing for the year.

Councilwoman Fehrenbacher moved to approve 2020-R-19, seconded by Councilman Eyer. A majority affirmative voice vote was received.

10-C “Resolution: Accept Bids for Chemicals at the Musgrove Aquatic Center” The Council was provided with a proposed resolution to accept bids for chemicals for the Musgrove Aquatic Center.

Bids were solicited for sodium hypochlorite. The City was currently still in year three of a five year contract with Airgas for carbon dioxide. Two bids were received for the sodium hypochlorite. Hawkins, Inc., bid \$1.65 per gallon. Brenntag Mid-South, Inc., bid \$1.60 per gallon. It was recommended to approve the low bid from Brenntag Mid-South, Inc., of Henderson, Kentucky.

Councilman McLaughlin moved to approve 2020-R-20, seconded by Councilwoman Fehrenbacher. A majority affirmative voice vote was received.

10-D “Resolution: Accept Bids for Chemicals at the Water Plant” The Council was provided with a proposed resolution that would accept bids for chemicals at the Water Plant. Hawkins, Inc., Brenntag Mid-South Inc., Univar USA, Inc., and Chemstream, Inc., all submitted bids.

Mr. Bradley recommended accepting the bid for the aqua ammonia 15% from Hawkins, Inc., of Centralia, Illinois. He recommended accepting the bids for liquid chlorine 99.95%, poly aluminum chloride, copper sulfate medium crystals, powdered activated carbon, carus potassium permanganate, and liquid copper sulfate from Brenntag Mid-South, Inc., of Henderson, Kentucky. Lastly, Mr. Bradley also recommended accepting the bids for liquid caustic soda 50% and hydrofluosilicic acid 23-25% from Univar USA, Inc., of Bedford Park, Illinois.

Councilman McLaughlin moved to approve 2020-R-21, seconded by Councilman Eyer. A majority affirmative voice vote was received.

10-E “Resolution: Accept Bid for Demolition of 920 W. Elm Street” The Council was provided with a proposed resolution that would accept a bid for the demolition of 920 W. Elm Street.

Croslow Excavating bid \$9,4500.00, Petty Excavation bid \$5,500.00, Doll’s, Inc., bid \$4,875.00, Enlow, Inc., bid \$4,250.00, and Hemrich Excavating bid \$2,900.00. It was recommended to accept the low bid from Hemrich Excavating of Olney, Illinois.

Councilman McLaughlin was stunned by Hemrich Excavating’s low bid. He asked if the City had used the contractor before. Mr. Barker replied that the City had used Hemrich Excavating before, and had been pleased with the work.

Councilwoman Fehrenbacher moved to approve 2020-R-22, seconded by Councilman Eyer. A majority affirmative voice vote was received.

10-F “Resolution: Support SWAN Grant Application” The Council was provided with a proposed resolution that would support a grant application from SWAN. Each year, the SWAN agency requested the City Council’s support by endorsing its grant application for funds through the Emergency Solutions Grant Program from the Illinois Department of Human Services. The funds are to be used for operating costs, supplies, and client assistance.

Councilman McLaughlin moved to approve 2020-R-23, seconded by Councilman Eyer. A majority affirmative voice vote was received.

10-G “Discussion/Possible Action: Policies & Procedures Related to Direct Public to Employee Contact” Previously, the Council had taken action to close the City Hall lobby to the public through April 7, 2020. Mr. Barker explained that since that time, the Governor had extended his Stay at Home Order through April 30, 2020. He asked if the Council wished to formally continue the lobby closure through April 30, 2020.

Councilman Eyer moved to keep the lobby of City Hall closed to the public through April 30, 2020, seconded by Councilman McLaughlin. A majority affirmative voice vote was received.

10-H “Discussion/Possible Action: Closure of Parks, Recreational Sites, and Leased Ground” As previously stated, the Governor had extended the Stay at Home Order through April 30, 2020, and the City should comply with its provisions.

Councilwoman Fehrenbacher moved to continue cancelling events and reservations on City land through April 30, 2020, seconded by Councilman Eyer. A majority affirmative voice vote was received.

Before moving on, Councilman McLaughlin stated that on Friday and Saturday of the week prior, he had citizens contact him regarding church services. Some churches wanted to hold drive-in services, but were told they could not. To his recollection, the Council had not prohibited drive-in services, however the churches were told by the Police Department that it was not allowed.

Councilman McLaughlin continued by stating that he had read that the Department of Justice (DOJ) had plans to “go after” cities that were prohibiting such drive-in services. He noted that a U.S. District Court Judge out of Kentucky had issued an injunction against Kentucky’s order, stating it was unconstitutional.

Police Chief Paddock stated that the requests were denied primarily because the Governor’s order banned any gathering of over 10 people for non-essential purposes. Councilman McLaughlin felt that more than 10 people were gathered in their vehicles in the WalMart parking lot or liquor store drive-thrus. The Chief countered that WalMart and liquor

stores were defined as essential. He also felt that the City Attorney should weigh in with his opinion.

Councilman McLaughlin said he did not care about another opinion, and felt that the denial was unconstitutional. He also felt that the State Police should enforce State mandates and that the Chief should enforce City ordinances. Chief Paddock commented that the officers regularly enforced State laws each day.

Chief Paddock felt that clarity should be received from the City Attorney. He reiterated that his Department was going off of what was mandated by the Governor of the State of Illinois. If an order was mandated by the State, then the City of Olney would need to comply.

Councilwoman Fehrenbacher and Councilman Eyer asked who denied the churches a drive-in service. Chief Paddock replied that he had. Mr. Barker added it had also been his understanding that such a gathering would not be allowed, and had agreed with the Chief.

Chief Paddock wondered if others would be allowed drive-in gatherings if churches were allowed. He explained that he was not looking to start arresting people for such a thing, but noted that he had to abide by State laws. He again asked for the City Attorney's opinion.

Mr. Zuber told the Council that he had not seen any information released from the DOJ on this topic. Referencing Executive Order 2020-10, he felt it was pretty clear that such gatherings were not allowed, and he agreed with the Chief.

Councilman McLaughlin told Mr. Zuber to look up the DOJ's opinion because he wanted solid clarification. The Councilman did not believe it was within any community's legal rights to discourage such a gathering.

Mr. Zuber asked if the Councilman could e-mail the DOJ's opinion. He also did not feel it was for the City to spend time and money deciding what should and should not be enforced as directed from the State. He agreed that the changes currently in place due to the COVID-19 pandemic were upsetting, but pointed out that the City of Olney had nothing to do with the matter.

Councilman McLaughlin disagreed because churches were being denied drive-in services by the City of Olney. Mr. Zuber again stated that the regulations were put in place by the State of Illinois, and the Police Department was following that order. Regardless, Councilman McLaughlin completely disagreed.

Further, Mr. Zuber pointed out that the order also prohibited any kind of travel not related to an essential activity. On-location church services were not listed as essential activities.

Councilman Eyer agreed with Councilman McLaughlin. He felt that if individuals remained in their vehicles, windows up, and parked six feet away from one another, he could not understand how that could be considered a gathering.

Chief Paddock told the Council that one request received was from a church that also wanted to serve refreshments. He also felt that it would be very difficult to keep children inside of a vehicle for the entire time, and that people would need to use the restroom. With two officers on duty, there could be somewhere near 300 people together as such an event. He continued that he was certainly not against church services as a whole, and noted that his family continued to attend church electronically. The current restrictions would not be in place forever, and the City of Olney did not create the restrictions either.

Councilman McLaughlin told Mr. Zuber to google the DOJ's opinion. Mr. Zuber replied that he had been on the DOJ's website earlier in the afternoon and had not yet seen anything to that effect. He pointed out that he was not an expert on Google or the DOJ's website, but assured the Council that he would continue to monitor the issue. He felt that if formal action was taken in the near future to change the order, then the Council and City could re-adapt. Until that time, he advised that the City should follow what was being instructed by the State.

Councilman McLaughlin then said he wanted to be sure it was on record that the action of denying such drive-in services did not come from the City Council, and that he felt that such denials did not follow the Governor's order. He also did not believe that the Police Department should enforce the order.

Councilwoman Fehrenbacher asked if Mr. Zuber believed such restrictions were part of the Governor's order. Mr. Zuber replied that he did, regardless if the City did or did not agree with the stipulations of the order. Issues with the Governor's order would be taken up with the State of Illinois and the Governor. It was not for the City to say whether or not they felt it to be unconstitutional or not.

Councilman McLaughlin again stated that he did not believe that the Police Department should be enforcing the order. He only felt that the State Police should be enforcing.

Mr. Barker asked Mr. Zuber and Chief Paddock if they felt comfortable relaxing enforcement until more clarity was received. Mr. Zuber replied that the order was not unclear. It was only clear that some people disagreed with the order.

Councilman Eyer wondered if a gathering could be defined as people being in the same room. He felt that a drive-in service would be fine, but if someone needed to exit the car to use the restroom, they would need to leave and go home.

Regardless, Chief Paddock indicated that he would not be having any part of neglecting the Governor's orders. If the orders changed in the future, or if guidance from the City Attorney changed, that would be a different story.

No further action was taken on this topic. Mr. Zuber would be staying abreast of Councilman McLaughlin's concerns.

10-I "Discussion/Possible Action: Future Meeting Schedules for Regular Meetings of the Olney City Council and Other City Boards & Commissions" At the last Council meeting, the Council wished to wait until this evening's meeting before making any decisions regarding potential cancellations of regular meetings of the City Council and/or other City Boards and Commissions related to COVID-19.

Councilwoman Fehrenbacher did not wish to make any other changes at this time.

Mayor Lambird asked if the Council would need a special meeting before the next regularly scheduled meeting on April 27, 2020. Mr. Barker believed that the need for a special meeting was likely. He would know more by Wednesday.

10-J "Discussion/Possible Ordinance: Waiver of Late Fees and/or Water Disconnection Due to Non-Payment" Due to COVID-19, the Council took action to waive the disconnect for non-payment in March, and to waive April's late fees.

Mrs. Sterchi was asked if payment of water bills was becoming a problem. Mrs. Sterchi indicated that normally, about 35 to 40 accounts were disconnected each month due to non-payment. Had such disconnect taken place in March, 175 accounts would have been on the list. This increase was likely due to the awareness that disconnect would not take place in March.

Councilmen Eyer and McLaughlin felt that it would be difficult to discontinue deferrals as long as so many businesses were not operating.

Councilwoman Fehrenbacher asked if the City was requiring any minimum payments. Mrs. Sterchi replied that the Council had not put such a requirement in place, so individuals did not have a payment requirement. When receiving phone calls in her office, she and the Utility Clerk were advising to pay as much as possible in order for individuals to not get too far behind.

Councilwoman Fehrenbacher moved to continue all deferrals through the end of April, and re-evaluate deferrals for May at the next Council meeting, seconded by Councilman McLaughlin. A majority affirmative voice vote was received.

10-K "Discussion/Action on Amendment to Proposed Annual Budget for Fiscal Year 2020/2021" The Council was already in possession of the 2020/2021 proposed budget. The budget was also available for inspection by the public, per request. If any additional changes

were needed before the approval of the budget at the next Council meeting, such changes would need to be made by motion at this meeting.

Mrs. Guinn pointed out that since the last meeting, the \$20,000.00 line item had been removed from the TIF budget for repairs to the City Park fountain. Additionally, it was likely that the EDA loans would officially be transferred to the Greater Wabash Regional Planning Commission. If that took place within the next week, Mrs. Guinn would also remove that category from the 2020/2021 budget.

Mrs. Guinn then told the Council that she and Mr. Barker had reviewed capital expenses in order to determine which could be delayed and which would be necessary to purchase at the beginning of the new fiscal year. She noted that all expenditures related to grants would need to be made in order to fulfill grant requirements.

Councilman McLaughlin asked if any information had been received on how much of an income hit the City would be seeing from the effects of COVID-19. Mrs. Guinn had not yet received any information. The IML was currently working with the Illinois Department of Revenue to create some projections.

Councilman McLaughlin then asked if anything had been heard from the State about deferring or breaking up property tax payments. Mrs. Guinn had not heard anything, but the Mayor noted that such decisions would rather come from the County level.

Mr. Bridges and the Street Department Supervisor had been discussing the MFT funding. Mr. Bridges believed MFT could go down anywhere from 25% to 30% for the year, assuming that the economy would bounce back somewhat.

The Council did not wish to make any additional changes to the proposed 2020/2021 budget.

AGENDA #11 “REPORTS FROM ELECTED AND APPOINTED OFFICIALS”

11-A “Status Report-City Manager” Mr. Barker had nothing to add.

11-B “RCDC Report” Mr. Yockey had nothing to report.

11-C “Chamber of Commerce Report” Councilwoman Fehrenbacher had nothing to report.

11-D “Parks & Recreation Board Report” The Parks & Recreation Board would not be meeting for April, so there was no report.

11-E “Tourism Board Report” Councilwoman Henton reported that the Director of the ILLINOISouth Tourism Bureau had recently resigned. The Bureau would not be hiring a new

Director until the circumstances surrounding COVID-19 were lifted. In the meantime, the Finance Director would be acting as the interim Director.

The State of Illinois had also mandated that the Bureau only spend funds on essential expenses for the time being. The Bureau would need to submit expected expenses to the State for their fourth quarter.

Bureau staff were still working, and most were working from home. The Executive Board was having weekly conference calls to keep up to date with operations. Currently, the Bureau was increasing their social media activity in order to keep tourism relevant.

The Councilwoman continued to say that the Spring/Summer Tourism Times had been published, but delivery was delayed as most delivery locations were closed.

A recent webinar projected that tourism would not see much of a recovery until about 36 months after Stay at Home Orders were lifted. Suggestions were given to decrease expected hotel/motel tax by at least 25%.

AGENDA #12 “PUBLIC COMMENTS/PRESENTATIONS” No one from the public wished to speak.

AGENDA #13 “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, Councilwoman Fehrenbacher, Mayor Lambird, City Manager Barker, City Treasurer Guinn, and City Clerk Sterchi left the Council Chambers at 7:45 p.m. Councilwoman Henton and City Attorney Zuber would attend the closed session meeting via video/audio conference.

AGENDA #14 “RECONVENE OPEN SESSION” Upon return of those who were in closed session to the Council Chambers, Councilman McLaughlin moved to enter back into open session, seconded by Councilwoman Fehrenbacher. A majority affirmative voice vote was received. Open session resumed at 8:17 p.m.

14-A “Discussion/Possible Resolution: Downstate Small Business Stabilization Program Partnership” Mr. Yockey ran through a brief outline of the Downstate Small Business Stabilization Program (DSBSP). It was up to the City of Olney to decide whether or not to be an active participant in the program.

The DSBSP was an extension of the CDBG program. A total of \$20,000,000.00 had been allocated for the grant program. If approved, the grant would offer a business up to 60 days of working capital to be capped at an amount of \$25,000.00.

Interested businesses would need to submit quite a bit of information, including financial information, that would all be subject to FOIA. All applications would be made through the City of Olney. The business would also need to sign a Participation Agreement which would allow the City to retrieve funds back from the business if conditions were not met. If the conditions are not met, the City would then need to pay the funds back to the State, and it would be the City's responsibility to collect from the business. This would make the City liable if the business could not repay. Any costs incurred prior to the date of grant approval would not be reimbursable.

Each grant request would require a public hearing before an application could be submitted to the State. Mr. Yockey noted that the guidebook for the program included 50 pages, but this was just some of the most pertinent information.

Mr. Yockey then wondered if the Council would be willing to consider applicants outside of City limits. Councilwoman Henton noted that could be a good reason to have a business annex. Mayor Lambird felt that some businesses in the industrial parks should be included. Councilman McLaughlin felt that eligible businesses within Olney's zoning district could be included.

Councilman McLaughlin moved to approve participation in the Downstate Small Business Stabilization Program and to extend eligibility to those businesses within Olney's zoning district, seconded by Councilman Eyer. A majority affirmative voice vote was received. Resolution 2020-R-24 would be created.

AGENDA #15 "ADJOURN" With no further business to discuss, Councilman Eyer moved to adjourn, seconded by Councilwoman Fehrenbacher. A majority affirmative voice vote was received.

The meeting adjourned at 8:22 p.m.

Kelsie J. Sterchi
City Clerk