

CITY OF OLNEY
RESCHEDULED CITY COUNCIL MEETING
MAY 26, 2020

AGENDA #1 “CALL TO ORDER” The May 26, 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, Belinda Henton, 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 was City Attorney Bart Zuber.

AGENDA #4 “PRESENTATION OF CONSENT AGENDA”

4-A “Approve Minutes of the Council Meeting on May 11, 2020”

4-B “Approve and Authorize Payment of Accounts Payable May 27, 2020” Pooled Cash \$120,855.53, Manual Pooled Cash \$19,230.62, Utility Refunds \$1,173.31

4-C “Re-Appointments: Jane Guinn to the Fire Pension Board and Mike Uhl to the Police Pension Board”

4-D “Ordinance: Amend Various Sections of the City of Olney Municipal Code” **2020-12**

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 “Discussion/Possible Action: Policies & Procedures Related to Direct Public to Employee Contact” The Council was provided with a proposal created by City Clerk Sterchi regarding the re-opening of City Offices to the public.

At the last Council meeting, it was requested that solutions be researched to re-open the City Hall lobby in light of COVID-19. City Manager Barker indicated that many portions of the

State were set to enter Phase 3 of the Rebuild Illinois Plan as of May 29, 2020. He also reported that temporary plexiglass structures had been put in place at the front windows of the City Hall lobby.

Mayor Lambird then asked Mrs. Sterchi about the proposal that was included in the packet. Mrs. Sterchi indicated that the proposal was designed to ensure that everyone knew what the plan was for City Hall and direct interaction with the public in Phase 3. The proposal suggested that the City Hall lobby could re-open in Phase 3 of the plan, but that if our region regressed to Phase 2 or even Phase 1, the lobby should again be closed to the public. Such regulations would help safeguard City workers against the risk of contracting and spreading COVID-19 amongst one another. A COVID-19 spread would put the City and members of the public in a bad position if functions could not continue.

Mrs. Sterchi continued that in addition to the plexiglass, City staff had some PPE available to use in the way of face coverings and hand sanitizer. Members of the public should also wear face coverings in the lobby and maintain a six-foot social distance from one another. If too many individuals were in the lobby to accommodate social distancing, customers may be asked to wait outside. The proposal also made recommendations on how to handle public meetings. The proposal suggested that meetings of the City Council, Plan Commission, Board of Appeals and the Pension Boards only allow for the public to attend remotely. Any other boards or commissions were not recommended to meet during Phase 3 unless absolutely necessary.

Mr. Barker added that a more permanent structure was being researched to replace the temporary plexiglass at the front windows.

Councilman Eyer moved to approve the proposal for re-opening City offices to the public, as presented, opening June 1, 2020, seconded by Councilman McLaughlin. A majority affirmative voice vote was received.

Councilman McLaughlin then asked if the Council needed to take any action regarding business travel for City employees. Mrs. Sterchi replied that the Council's prior action on 2020-R-13 suspended non-essential employee business travel only through May 1, 2020. No further action was needed.

8-B "Discussion/Possible Action: Closure of Parks, Recreational Sites, and Leased Ground" The Council was provided with CDC considerations for public pools, hot tubs, and water playgrounds during COVID-19.

When moving into Phase 3, gatherings would still be restricted to 10 people or less. The Council would need to consider how to handle fishing tournaments, other public gatherings/events, the Musgrove Aquatic Center (MAC), etc.

The Illinois Department of Commerce & Economic Opportunity (DCEO) had recently released guidelines for various topics in Phase 3. Referencing the Boating & Fishing Guidelines, Councilman McLaughlin felt that the ability to hold fishing tournaments should be opened up completely.

Councilwoman Henton pointed out that the guidelines still mandated that gatherings of no more than 10 people would be allowed on or off the pier. Councilman McLaughlin disagreed, believing that meant no more than 10 people on a boat for boating and fishing. Otherwise, he did not believe it made sense that no more than 10 people could be off the pier and on the lake.

City Attorney Zuber agreed that the DCEO's guidelines were not very clear even though the guidelines indicated that fishing tournaments would be allowed. Overall, Mr. Zuber believed it was likely that the 10-person restriction would still be required in regard to tournament launches and returns and also weigh ins.

Because Olney lakes were owned by the City of Olney, Councilman McLaughlin felt that the City Council could choose to do whatever they desired. Councilwoman Henton pointed out that even so, problems would occur with DNR. Councilman McLaughlin replied that if DNR wanted to get involved, that would be fine.

Councilwoman Fehrnebacher asked if any fishing tournaments were scheduled for June. Mrs. Sterchi indicated so. Several fishing tournaments were on the books all the way into October.

Councilwoman Henton suggested that if the Council were to allow fishing tournaments to resume, then Mrs. Sterchi could get in contact with the groups to let them know that social distancing should be observed on weigh ins and suggest that launch and return be staggered with the participants. Mayor Lambird agreed.

Councilman McLaughlin moved to allow for fishing tournaments on Olney lakes in Phase 3 with launch and return times staggered and social distancing observed at weigh ins, seconded by Councilwoman Fehrenbacher. A majority affirmative voice vote was received.

Regarding the baseball fields and Little League, Mayor Lambird asked Mr. Zuber for his opinions. Mr. Zuber replied that in Phase 3, 10 child participants per 1 adult would be permitted for practices, but individuals would need to stay at least 6 feet away from one another. He noted it could be difficult to have catchers and batters be 6 feet apart, and also the first baseman being that far apart from the baserunner. Regardless, Mr. Zuber felt that competitive events such as games or tournaments would not be permitted.

Councilman McLaughlin felt it was a shame that local children could play travel ball in states such as Missouri and Indiana but could not play in Illinois. He felt there should be some way to get Little League active again.

Councilman McLaughlin moved to allow for Little League practices to begin, recognizing the 10 child participants per 1 adult and 6 foot social distancing to the best of their ability, seconded by Councilwoman Fehrenbacher. A majority affirmative voice vote was received.

The Council then discussed barricade placement at parks to help prevent use of playgrounds. The Council was in agreement that playgrounds should remain closed, but they were in favor of removing barricades around parking lots and roadways near playgrounds.

Councilman McLaughlin moved to remove barricades around park parking lots and roadways near playgrounds, seconded by Councilman Eyer. A majority affirmative voice vote was received.

Regarding the Musgrove Aquatic Center, Councilwoman Fehrenbacher asked what surrounding pools were doing regarding COVID-19. Mrs. Sterchi replied that nearby public pools had made the decision to close for this Summer, but the Newton pool had yet to make a decision.

Councilman McLaughlin hoped that Olney could reach Phase 4 by July. In that phase, gatherings of 50 people or less would be permitted. He felt that a plan could be created that would allow for attendees to stagger time inside of the pool, or perhaps appointments could be made. He was in favor of making modifications so that the MAC could open at some point this Summer.

Mayor Lambird asked Pool Manager Matt Powell for his opinion. Via Zoom, Mr. Powell said that he liked Councilman McLaughlin's wristband suggestion. He indicated that he and his wife would be more than willing to do whatever would be required in order to open the pool.

Mayor Lambird asked if Mr. Powell would be willing to prepare a plan for pool opening in Phase 4. Mr. Powell indicated that he would.

Councilman Eyer pointed out that according to benchmarks, Richland County itself would definitely be in Phase 4 and possibly Phase 5. The problem was that Richland County was lumped into the Central Illinois region and would be subject to phase designations with the other counties included in that region. He noted that liability would be the worry in not following the guidelines directed by the State.

Councilwoman Fehrenbacher wondered if the Phase 4 gathering limit of 50 people or less would make opening the pool feasible since at least 10 staff would be required. Until more guidance was received, Mayor Lambird felt that the guidelines relating to the 10 participants per 1 adult at the ball fields could be appropriate at the MAC.

Regarding other City owned property, Councilman McLaughlin noted that gun ranges could re-open in Phase 3. While true, Mr. Zuber pointed out that the 10-person gathering limit would still apply.

The Council then discussed other City property and whether or not to allow events and/or reservations. Overall, the Council felt that individuals could still utilize such property for limited gatherings such as lunches, but formal events should not be allowed and neither should any gathering that would exceed 10 people.

Councilman McLaughlin moved to only allow formal gatherings of 10 people or less on City property, seconded by Councilman Eyer. A majority affirmative voice vote was received.

8-C “Resolution: Authorize the Execution of a Service Agreement for the Supply of Electricity for Residential and Small Commercial Retail Customers Who Do Not Opt Out of Such a Program” The Council was provided with a proposed resolution that would authorize entering into a service agreement for the supply of electricity for residential and small commercial retail customers who would not opt out of the program.

Mr. Barker explained that the City provided an opt-out electric aggregation program for residential and small commercial retail customers. The electric supply agreement the City had with Homefield Energy would expire at the end of December. Bids for new rates would be opened sometime during the second week of June. Because electricity is a commodity for which supply bids typically are made each morning and expire the same day at the close of business, Mr. Barker was seeking authorization to receive and review bids, with recommendations from Good Energy, and to accept the bid most beneficial to the City of Olney without further action from the City Council.

Additionally, Mr. Barker was with the understanding that new rates would most likely be less than the current rates of \$0.05596 per kWh with a civic contribution rate of \$.001 per kWh for a total of \$0.05696.

Councilman McLaughlin wondered if supply rates would automatically be lowered if Ameren’s supply rate dropped below the aggregation amount. Mr. Barker believed so.

Councilman McLaughlin moved to approve 2020-R-36, seconded by Councilwoman Fehrenbacher. A majority affirmative voice vote was received.

8-D “Resolution: Authorize a Bank Account for the Purpose of Receiving and Distributing IDOT-Rebuild Illinois Funds” The Council was provided with a proposed resolution that would authorize a new bank account for the purpose of receiving and distributing IDOT-Rebuild Illinois funds.

Mrs. Guinn told the Council that the City had received the first installment of the IDOT Rebuild Illinois bond funds in the amount of \$100,119.06. The funds would need to be deposited into the MFT Fund but accounted for separately. The City should receive two installments each year for the next three years.

Councilwoman Fehrenbacher moved to approve 2020-R-37, seconded by Councilman Eyer. A majority affirmative voice vote was received.

8-E “Resolution: Amend Fiscal Year 2020-2021 Budget for IDOT Rebuild Illinois Bond Funds” The Council was provided with a proposed resolution that would amend the 2020-2021 budget for the IDOT Rebuild Illinois bond funds.

Mrs. Guinn stated that a budget amendment would be needed in order to add the income from the IDOT Rebuild Illinois bond fund to the MFT budget.

Councilman McLaughlin moved to approve 2020-R-38, seconded by Councilwoman Fehrenbacher. A majority affirmative voice vote was received.

8-F “Resolution: Authorize the Execution of a Grant Agreement Between the Illinois Department of Natural Resources and the City of Olney for the OSLAD Development Project Grant for City Park Improvements” The Council was provided with a proposed resolution that would authorize entering into a grant agreement with the Illinois Department of Natural Resources (DNR) for the OSLAD Development Project Grant for City Park improvements. The Council was also provided with only signature pages of the grant agreement as the total agreement was over 100 pages in length. A full copy of the agreement was available in the City Manager’s office.

Mr. Barker told the Council that the OSLAD grant to be received for City Park improvements would be used for a multi-use trail, road improvements, restroom facilities and pavilion roofs. The grant would be a 50/50 match with \$206,700.00 from the State, \$206,800.00 from the City, and a total project cost of \$413,500.00. In-kind labor would be used as a part of the City’s match.

Councilman Eyer moved to approve 2020-R-39, seconded by Councilwoman Fehrenbacher. A majority affirmative voice vote was received.

8-G “Resolution: Accept Quote for Server Upgrades, Waive Formal Bidding Procedures, & Authorize the Expenditure for Server Upgrades” The Council was provided with a proposed resolution that would accept a quote for server upgrades, waive formal bidding procedures, and authorize the expenditure for server upgrades.

Mrs. Guinn explained that an amount of \$20,000.00 had been included in the 2020-2021 budget for server upgrades. The server shared by City Hall and Police Department had been

experiencing some problems and had exceeded its expected life span. Warranties were also no longer active.

Most recently, the e-mail server for all of the City of Olney had been experiencing failures and needed to be upgraded. The Council could choose to only upgrade the e-mail server at this point, but some processes would need to be re-done again whenever the other server work would take place.

Kemper Technology Consulting was the City's current IT provider. They had submitted a quote in the amount of \$18,693.27, but Mrs. Guinn requested an allowance to spend up to \$20,000.00 in case of contingencies. Kemper Technology Consulting did point out that if the entire server system crashed and turned into a recovery project, the total could then end closer to \$30,000.00.

Councilman McLaughlin asked if that was the only quote or bid received. Mrs. Guinn indicated that was so. Kemper Technology Consulting was already providing IT services and was very familiar with the City's setup and needs. Additionally, Mrs. Sterchi had asked a few other nearby municipalities who they used for IT, and most used Kemper Technology Consulting because of the quality of work.

Councilwoman Fehrenbacher moved to approve 2020-R-40, seconded by Councilman Eyer. Councilwomen Henton, Fehrenbacher, Mayor Lambird, and Councilman Eyer voted yes. Councilman McLaughlin voted no. The motion carried.

8-H "Discussion/Possible Ordinance: Use of City Property as Expanded Dining Areas"
The Council was provided with a proposal from Mr. Barker regarding use of Bower Park and some City equipment for expanded dining for local restaurants.

Mayor Lambird explained that Phase 3 would allow for restaurants and bars to open for outdoor business as long as any public property use was approved by the municipality. Mayor Lambird wished to relax some rules about where alcoholic beverages could be consumed and also wished to close Whittle Avenue from Market Avenue to Chestnut Street to better assist The Fireside, Ophelia's Cup, and the future Bar 209.

Councilwoman Fehrenbacher said she had spoken with one of the owners of Ophelia's Cup that indicated they were not in favor of closing off parking on Whittle Avenue because of their carry out business. Mayor Lambird replied that he had also spoken with the same individual who had said she would be in favor of the closure.

Councilman McLaughlin wondered if Bower Park could be utilized instead. Mayor Lambird believed so, but Councilwoman Fehrenbacher did not believe it would be so feasible to have wait-staff going to and from the park in that manner. Additionally, she did not feel that

tables should be set up on the brand new sod. If utilized, she recommended that they be placed on concrete surrounding Bower Park.

Councilman McLaughlin asked what could be done for restaurants and bars that were not located along Whittle Avenue. He offered that perhaps barricades and picnic tables could be borrowed.

Mayor Lambird suggested that sidewalks could be utilized. Councilwoman Fehrenbacher asked how much sidewalk space would need to be available for pedestrian traffic. Mr. Zuber replied that a four foot wide, unobstructed space would need to be available in order to comply with ADA requirements.

As far as alcohol consumption, Mayor Lambird wondered if action would need to be taken to allow alcohol consumption outside of a licensed liquor establishment. Mr. Zuber replied that some sort of action would need to be taken, especially to allow the consumption on City property. Councilman Eyer suggested a Class S liquor license with social distancing guidelines.

Councilwoman Henton asked what time Ophelia's Cup closed. Councilwoman Fehrenbacher replied that the restaurant closed at 3:00 p.m. In that case, Councilwoman Henton recommended blocking off that specific portion of Whittle Avenue only in the evenings. That way, Whittle Avenue would still be readily accessible by all of the other businesses throughout the day.

Mr. Zuber then pointed out that any business utilizing outdoor space would only be able to utilize what was in front of their property. They would not be able to go in front of any other property without the owners giving specific permission.

Mayor Lambird asked Police Chief Paddock if he had any questions or concerns. The Chief replied that he did not.

Councilman McLaughlin stated he was in favor of allowing tables outside on sidewalks and to allow restaurants to borrow barricades and picnic tables. He felt this should be available to any restaurant or bar inside of City limits.

Councilman McLaughlin moved to allow for use of City sidewalks, as long as a four foot walking distance was still allowed, and to allow for alcohol consumption directly outside of liquor licensed establishments until further notice, and to permit the use of City barricades and picnic tables.

Mrs. Sterchi asked if liquor liability coverage would need to be shown for patrons to consume outside of the licensed premises. Mr. Zuber believed so.

Councilman McLaughlin amended his motion to also require proof of liquor liability insurance coverage. Councilwoman Fehrenbacher seconded the motion. A majority affirmative voice vote was received.

Mayor Lambird moved to close Whittle Avenue from Chestnut Street to Market Street from 5:00 p.m. until 12:00 a.m. on Thursdays, Fridays, Saturdays, and Sundays, until further notice, for use by The Fireside, Ophelia's Cup, and Bar 209.

Councilman McLaughlin pointed out that if the Mayor's motion passed, it should be clear that the closure was not for a block party. Tables would be set outside that would seat no more than six, and the tables should be spaced at least six foot apart directly in front of their establishments.

Councilman McLaughlin seconded the motion.

Mrs. Sterchi and Mr. Zuber wondered if the Council would also wish for business owners to provide liability insurance for the use of sidewalks and Whittle Avenue. If so, Mr. Zuber recommended a minimum liability amount of \$1,000,000.00. The Council agreed that insurance coverage should be provided.

Councilman Eyer suggested that any Whittle Avenue closure start at 6:00 p.m. instead. This would give businesses that close at 5:00 p.m. a good amount of time to clear out of the area.

Mr. Barker asked who would be responsible for setting up barricades to close off Whittle Avenue. Mayor Lambird felt that it would be up to one of the businesses.

Councilwoman Fehrenbacher cautioned that businesses should be mindful of trash being left by patrons. She noted that Ophelia's Cup would not be too happy to be clearing beer bottles from other businesses. Mayor Lambird replied that if the businesses were not acting as good neighbors, the allowance could end.

Mayor Lambird amended his motion to allow for closure of Whittle Avenue from 6:00 p.m. until 12:00 a.m. on Thursdays, Fridays, Saturdays, and Sundays until further notice, and that insurance should be provided for use of City sidewalks or roadways. Councilman McLaughlin again seconded the motion. A majority affirmative voice vote was received. The motion carried.

AGENDA #9 "REPORTS FROM ELECTED AND APPOINTED OFFICIALS"

9-A "Status Report-City Manager" Mr. Barker told the Council he wanted to assess their interest in moving forward with a few budgeted projects. First, a water tank mixer was needed for the Industrial Park Water Tower. The budget currently held \$35,000.00 for the project. The mixer was needed to better aid water quality, especially with the water going to Parkersburg. Mr. Bridges then added that there was not more than one supplier for the mixer in this area.

Councilman McLaughlin was feeling uneasy with making such big purchases without going out for bids. Mr. Bridges stated that certain components could be purchased separately by bid, but felt that could end up being more expensive. Councilwoman Henton did not believe there was any harm in advertising.

Councilwoman Fehrenbacher pointed out that staff seemed to be doing their homework on calling around to check on availability, pricing, and to receive feedback on quality of work. In some instances, only one provider would be available for certain items in this area.

Secondly, Mr. Barker indicated that the Sewer Plant was needing some roof repair. The estimate for materials came in at \$1,350.00, and the City could provide the labor.

Councilwoman Fehrenbacher stated she was in favor of moving forward with the water tank mixer, but felt that better material bids could be found for the Sewer Plant roof repair.

Councilman McLaughlin felt that the Sewer Plant roof repair fell under the amount that the City Manager was authorized to spend, so that should be fine. He would rather have the water tank mixer on the agenda for a formal vote.

Councilman McLaughlin wondered how the City was coming along with revenue. Mrs. Guinn replied that Corporate Replacement Tax was under by about half compared to last year, but last year's amounts were high due to some tax differences.

Income Tax was also coming in about half compared to the prior year. Mrs. Guinn felt that was because of delayed timing on taxes being paid.

Mrs. Guinn continued by stating that MFT was up because only one payment was received in the prior year.

Sales tax was (\$4,500.00) less for the month of March, but Use Tax came in \$600.00 more. Telecommunications Tax was down by (\$2,500.00) for the month. All of the Hotel/Motel Tax had not yet been received, and a partial month of gaming revenue had been received at about \$7,000.00.

Mr. Barker then reported that the mosquito control program would soon begin. The program would cost about \$3,000.00 in overtime for the season.

Councilman McLaughlin asked if CSX could be contacted to clean up their right-of-way near the Elliott Street Bridge. Mr. Barker replied that CSX was very difficult to get a hold of and deal with. He would continue to try and reach them about this issue.

9-B "RCDC Report" Mr. Yockey told the Council that Joseph Morris had recently been appointed as the new Richland County CEO facilitator.

9-C “Chamber of Commerce Report” Councilwoman Fehrenbacher reported that the Chamber’s plans were still on hold for the Golf Outing and Bicycle Classic.

9-D “Parks & Recreation Board Report” The Board had not met for the month, so there was no report.

9-E “Tourism Board Report” Councilwoman Henton stated that the staff of the ILLINOISouth Tourism Bureau would be back in their offices by early June.

AGENDA #10 “PUBLIC COMMENTS/PRESENTATIONS” Mr. Lambird told the Council that he had received correspondence from the Cummins Municipal Band Director, Don Graham, that the 2020 band season was cancelled due to COVID-19. The 2020 year marked the 150th year for the Cummins Municipal Band.

A letter had been received from Arnold Galloway, 317 Larch Drive, to be read for the record. Mrs. Sterchi read Mr. Galloway’s letter regarding concerns surrounding deposit requirements and the Council’s recent decision to reinstate disconnects due to non-payment.

Mayor Lambird then asked if any other members of the public wished to address the Council. No one from the public wished to speak.

AGENDA #11 “ADJOURN” With no further business to discuss, Councilwoman Fehrenbacher moved to adjourn, seconded by Councilman Councilman McLaughlin. A majority affirmative voice vote was received.

The meeting adjourned at 8:24 p.m.

Kelsie J. Sterchi
City Clerk