

CITY OF OLNEY
CITY COUNCIL MEETING
SEPTEMBER 14, 2020

AGENDA #1 “CALL TO ORDER” The September 14, 2020, meeting of the Olney City Council was called to order at 7:00 p.m. in the Community Building at the Olney City Park located at 502 White Squirrel Circle, 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. Zachary Caress led the group in prayer.

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

AGENDA #4 “PRESENTATION OF CONSENT AGENDA”

4-A “Approve Minutes of Council Meeting on August 10, 2020”

4-B “Approve and Authorize Payment of Accounts Payable August 25 & September 15, 2020” Pooled Cash \$339,458.72, Manual Pooled Cash \$139,256.17, Utility Refunds \$1,619.44, Adjustments \$263.29, Petty Cash \$61.00, Foreign Fire \$203.70, MFT \$102,607.62, IMRF \$33,151.43, Tourism \$2,560.00

4-C “Raffle License: Olney Memorial VFW Post #4226 (Weekly)”

4-D “Raffle License: Olney Memorial VFW Post #4226 (Daily)”

4-E “Appointment: Zach Holder to the Board of Appeals & Plan Commission”

AGENDA #5 “REMOVAL OF ITEMS FROM CONSENT AGENDA” No items were requested for removal from the 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 to approve the items on the consent agenda.

AGENDA #7 “CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA” No consideration was necessary since no items were removed from the consent agenda.

AGENDA #8 “PRESENTATION OF ORDINANCES, RESOLUTIONS, ETC.”

8-A “Discussion/Possible Action: Presentation and Acceptance of Fiscal Year 2019/2020 Financial Audit & 2019/2020 Tax Increment Financing Fund Audit” The Council was provided with a copy of Annual Financial Statements for the year ending April 30, 2020, and Tax Increment Financing (TIF) Fund Audited Financial Statements for the year ending April 30, 2020. Krista McLaren, from the Kemper CPA Group, was present to speak to the Council.

Mrs. McLaren was pleased to report that all financial statements on the modified cash basis of accounting had been issued in clean opinion. She noted that the fiduciary accounts were reported at fair market value versus cash modified. The financial result of the investments was down for the year, but that was purely a function of timing for when the COVID-19 pandemic hit. Since then, the markets had some rebound.

Mrs. McLaren continued to report that the City's governmental activities held \$16,345,091.00 in assets. Business-type activities (Water and Sewer Funds) held \$15,653,252.00 in assets. Mrs. McLaren then noted that the City had been operating with minimal borrowings compared to other cities. The City of Olney only had \$280,000.00 borrowed in governmental activities, and \$1,295,818.00 in business-type activities. Overall, the net results of the funds came close to breaking even with revenue barely exceeding expenses.

Regarding the Tax Increment Financing audit, Mrs. McLaren told the Council that the audit included financial exploration and assurance that TIF funds were being appropriately used in accordance with State statute. Kemper CPA Group found that the TIF fund was being managed appropriately.

Mrs. McLaren closed by saying that Kemper CPA Group had no other audit findings for the year. No deficiencies were found during the City of Olney's audits. She then thanked the City Treasurer, Junior Accountant, and City Clerk for their assistance in making the audit run smoothly.

Councilman McLaughlin moved to accept the Fiscal Year 2019/2020 financial audit, seconded by Councilwoman Fehrenbacher. A majority affirmative voice vote was received.

Councilwoman Fehrenbacher moved to accept the 2019/2020 Tax Increment Financing fund audit, seconded by Councilman Eyer. A majority affirmative voice vote was received.

8-B "Resolution: Accept Proposal from Kemper CPA Group for Audit and Professional Services for Three Years and Waive Formal Bidding Procedures" The Council was provided with a proposed resolution that would accept a proposal from Kemper CPA Group for audit and professional services for three years, and a copy of the proposal.

Mayor Lambird noted that the 2023 year on the proposed resolution had a typo. The fee schedule should read \$20,995.00 for 2021, \$20,995.00 for 2022, and \$21,625.00 for 2023.

With the typo corrected, Councilman McLaughlin moved to approve 2020-R-57, seconded by Councilman Eyer. A majority affirmative voice vote was received.

8-C "Resolution: Change the Threshold for Capital Items from \$1,000 and Greater Than One-Year Life Expectancy to \$5,000 and Greater Than One-Year Life Expectancy Beginning with the 2021/2022 Budget" The Council was provided with a proposed resolution that would increase the threshold for capital items from \$1,000.00 and greater than one-year life expectancy to \$5,000.00 and greater than one-year life expectancy beginning with the 2021/2022 budget.

Mrs. Guinn told the Council that prior best practice for the City had been to capitalize and depreciate items that cost \$1,000.00 or more and have a life expectancy of greater than one year. After discussion with Mrs. McLaren, it was now recommended to change this threshold to \$5,000.00 and greater than one-year life expectancy. Over the years as costs had increased, it was no longer practical to capitalize items at \$1,000.00.

Starting with the 2021/2022 budget, some items that would normally be included in the capital section of the budget would be moved to the supplies or contractual services section of the budget.

Councilman McLaughlin moved to approve 2020-R-58, seconded by Councilwoman Henton. A majority affirmative voice vote was received.

Mayor Lambird wished to then discuss item 8-U "Discussion/Possible Action: VFW Memorial Placement." The Council was provided with an 18-page petition of signatures wishing to keep the current fountain in the City Park.

From Designforce, Dan Hahn was present to address the Council and audience by showing a presentation regarding the VFW memorial placement. Mr. Hahn's design for the memorial had been chosen by the VFW.

Mr. Hahn gave a brief overview of himself, his family, and his business. He then explained that the proposed location for the memorial was intended to be near the Blue Star Memorial Veterans Highway on the west end of the City Park. The center portion of the memorial would be a hexagon shape representing the six branches of the military. Each military seal would be at the top of the sides with a cascading waterfall below each seal. The memorial would be made of brick and stainless steel. The eagle statue at the top was chosen as a focal figure to represent bravery, valor, strength and freedom. The fountain portion of the memorial would be surrounded by landscaping and seating.

A separate area of the memorial featured seven-foot tall angled walls with the names of all veterans of record from Richland County. Another area of the memorial would list the names of those servicemen and women that were killed in action (K.I.A.). This K.I.A. area was smaller, quieter, and more private. The area would also feature the battlefield cross.

Behind all of these features would be a slotted wall to allow visitors to move through the monument to a picnic area in the back.

Councilman Eyer asked if the waterfall cascade would be noiseless. Mr. Hahn replied that it would not be noiseless, but would not make much noise.

From the audience, Dick Germer asked if the VFW had investigated alternative locations for the memorial. Mr. Hahn indicated that other sites were explored, but the proposed location that would replace the current fountain seemed to be the best due to its proximity to the highway, its visibility, and access to utilities. The area would also be lighted for visibility and security.

Mr. Germer asked if an American flag would be included. Mr. Hahn stated that flag placement was not part of his memorial design, but that the addition of flags had been discussed.

From the audience, William Bagis stated that he was a Vietnam veteran and in support of the memorial, but not in the proposed location. He felt that the current fountain had historical value and that Olney had been dropping the ball on history.

Also from the audience, Sherry Brauer asked how many trees would be removed. Mr. Hahn replied that the large tree could remain. There were two other trees that were already dead and/or diseased, so they would be removed. VFW Quartermaster J.R. Ritter added that “brush trees” on the west side would also need to be removed. As part of the memorial, 15 additional trees would be planted.

Audience member Mark Wingert told the Council that he was also a Vietnam veteran in support of the memorial. Like Mr. Bagis, Mr. Wingert was not in favor of removing the current fountain so that the memorial could be placed. He felt the memorial could be placed farther east so that the current fountain could remain while the new memorial was also placed. Additionally, Mr. Wingert was not in favor of recirculated water and would rather have a fountain pool. Mr. Hahn indicated that fountain pools were more difficult to maintain and increased liability.

Before the VFW had proposed the memorial, the City Park fountain had not worked for about one year. VFW Commander Nancy O’Connell informed the audience that even though the fountain was again operational, it was still leaking.

VFW District Commander Ryan Higginbotham had a few questions. He first asked when the fountain was built. Councilman Eyer indicated that the fountain was built in 1964. Commander Higginbotham then asked if there was a purpose for the fountain being built other than decoration. No one seemed to know the answer, but Mr. Wingert indicated that a plaque had been at the memorial several years ago, but was no longer there.

For clarification, Commander Higginbotham then informed all that flags would be incorporated at the proposed memorial. He added that the VFW was more than happy to have several trees planted and/or make donations for tree planting. The proposed memorial would also not expend any tax dollars. Instead, the memorial would be placed via donations, grants, etc.

Commander Higginbotham then asked how much it would cost to have the fountain properly repaired. City Manager Barker stated that an estimate used for the budget came in at about \$20,000.00. Councilman Eyer argued that was only for budgetary purposes, and the amount to fix could cost less. He recalled that the fountain had also been working every year except for 2018 due to damage caused from nearby hotel work.

Councilwoman Fehrenbacher wondered how much the memorial would cost. Quartermaster Ritter was not totally certain, but stated that the VFW had a fundraising goal of \$250,000.00 for the project.

Referencing the petition, Councilwoman Fehrenbacher felt that many of those who signed did not realize that the memorial would include a water feature. Because of that, she was not certain that all of those who signed would actually be against the newly proposed memorial.

City Attorney Zuber wished to clarify that any grants received by the VFW would not be governmental grants. No public funds of any sort would be used for the proposed project. Commander Higginbotham agreed.

Councilwoman Fehrenbacher wondered if the VFW was concerned with fundraising if so many people were against the placement of the new memorial. Quartermaster Ritter actually felt that the controversy had energized support for the memorial.

Going back to Councilwoman Fehrenbacher's concern about the petition, Councilman Eyer pointed out that the heading on the petition was "Possible removal of the fountain located in the Olney City Park." Even so, Councilman McLaughlin did not believe that statement was clear enough to indicate that the proposed memorial placement would include a fountain/water feature. He stated that he had spoken with several people who had signed the petition and that many were not aware of that fact. Had they been, they told the Councilman that they never would have signed the petition.

Councilman Eyer then expressed his concern over the lack of sound from the proposed waterfall feature. He greatly enjoyed the splashing sound from the current fountain.

Mr. Germer then showed the audience a marble decorative piece that was produced by the Chamber of Commerce several years ago. In the center of the piece was an image of the current fountain. He felt that because the fountain was important enough to include in the piece, then it should remain. Mr. Germer was a member of the Richland Heritage Museum Foundation, and the Foundation felt that the fountain had historic value. As an aside, Mr. Germer told everyone that he was generally in favor of the memorial, and would donate to the cause, but he was not in favor of the proposed location.

Commander Higginbotham explained that two other locations had also been investigated. The VFW had looked into the southeast corner of OCC's property, but it was not feasible due to utility issues. The VFW then looked at Musgrove Park, but felt that the area was more for kids and sports. Additionally, Musgrove Park was "off the beaten path" as far as high visibility, had some flooding issues, and would need additional parking.

Councilwoman Henton shared that the Council had received an e-mail from the owners of the Best Western Plus/Parkside Plaza just the day before offering space at Parkside Plaza if no solution could be found within the City Park. She wondered if the VFW had considered that area. Quartermaster Ritter indicated that they had not investigated that area because it was their understanding that all lots within Parkside Plaza had been sold.

From the audience, Les Harrison stated that he was an Army veteran. He wanted to speak in support of the new memorial at the proposed location. Mr. Harrison pointed out that a fountain of similar style and vintage currently sat in Bower Park. Because of this, he felt that the Bower Park fountain could remain and that the City Park fountain could be replaced with the proposed memorial. He also added that the replacement of the City Park fountain would eliminate the need of the City to maintain it, and would allow for a new idea to be brought into the City Park.

From the audience, Kelly Eyer agreed that she would like to see the proposed memorial placed somewhere, but she was not in favor of the proposed location in the City Park. Mrs. Eyer believe that there were hundreds of people in the community that did not want the current fountain to be removed, so she could not understand why anyone would want to just move forward with its destruction. Because Parkside Plaza had offered space, she felt that was a better solution. She asked the Council to not tear down Olney's heritage just to have something shiny and new. Additionally, now that many people knew that the fountain was at risk of being removed, she felt that many people would be interested in donating funds to improve the fountain.

Audience member Sarah Higginbotham then told the Council that she had been told that many names on the petition were not citizens of Olney. She had been informed that a person was circulating the petition and telling people that it was fine to sign it even though they did not live inside of City limits. Because of this, Mrs. Higginbotham did not believe that the petition was a direct reflection of the opinions of City residents.

Councilman Eyer pointed out that names of individuals that did not reside within City limits had been stricken out of the petition. Councilwoman Henton had counted that 16 out of 388 names were removed from the petition because of this.

Mr. Germer felt that just because someone did not live inside of City limits did not mean they did not use the City Park. Even so, Mayor Lambird pointed out that did not give those individuals a say in City of Olney government.

From the audience, Gene Brauer stated that he was a Navy veteran and also supported the placement of the memorial. Like many others, Mr. Brauer was just not in favor of the proposed location and removal of the current fountain. He believed that those involved could surely find a suitable alternate location. He encouraged the Council to appeal to their common sense in the matter.

Mayor Lambird told the audience that he had heard a lot of opinions regarding the fountain this evening, but had not heard why the fountain was installed in the first place. He did not believe the current fountain was aesthetically pleasing or architecturally special. He continued that the fountain had been outdated for many years, and no one seemed to care about the fountain at all until the VFW indicated that they would want to place a memorial at that location. The Mayor felt that it had been forgotten for far too long all of those who died in service to our country. Military service was history. Mayor Lambird also felt that the \$20,000.00 needed to repair the fountain could be better used elsewhere in the City. He felt the whole argument was an atrocity.

From the audience, Larry Judge told all that he was the Curator for the Richland Heritage Museum Foundation. He was not sure how there could be any confusion as to why people signed the petition. He requested that the City Clerk read aloud the cover letter that was read by each person signing the petition. At the direction of the Mayor, Mrs. Sterchi stood and read the cover.

Mr. Judge then requested that Mrs. Sterchi read the listing of officers and board members of the Richland Heritage Museum Foundation. At the direction of the Mayor, Mrs. Sterchi read aloud the names of each officer and board member.

From the audience, Darrelynn Eichhorst stated that she believed that those that had died in war had not been forgotten. She agreed that Mr. Hahn's memorial design was impressive, but she felt it should be placed in a different location. She stated that several people stopped at the current fountain to rest and/or eat meals. She respectfully asked for the current fountain to remain.

With the VFW, Ron Merritt told the Council that he hoped the City had a large liability policy as he felt the current fountain was a death pool for kids. Councilman Eyer countered that there were safety features at the fountain that were in line with code.

From the audience, Mary Kruger asked why the current fountain had not been fixed the proper way over the years. Mayor Lambird replied that was because no one had taken much interest. Mrs. Kruger agreed that there had been no interest in the fountain until the VFW had shown interest in improving the spot. She felt the new memorial would bring people to Olney in the future.

Commander O'Connell agreed that the fountain held memories for her, too, from her childhood. There was a time when the fountain was beautiful, clean, and had no cracks. Additionally, Commander O'Connell pointed out that people parked all over the park to rest and eat meals.

Commander O'Connell continued by reminding all that budgets were typically exceeded, so it was likely that it would cost over \$20,000.00 to properly repair the current fountain. She requested that the Council allow the VFW to fix up the area and make it look better.

Councilman McLaughlin recognized that he did not have the same childhood memories of the fountain as many others because he had only lived in Olney for 13 years. Of those 13 years, he had served on the Council for 7 years. Councilman McLaughlin did not believe that the current fountain was a nice fountain, and had never heard a person complain about the fountain not working. He wondered why the fountain suddenly seemed like the most important issue in Olney now that the VFW wanted to improve the area. Outside of fond memories, Councilman McLaughlin asked what was nice about the fountain.

No one could answer Councilman McLaughlin's question, but audience member Bobbi Blackford reminded everyone that the fountain was an original attraction. She admitted that the fountain could be prettier, but felt that the City had not properly maintained the fountain over the years. She felt that no one had been in an uproar before because citizens did not believe it was at risk for removal.

Commander Higginbotham told everyone that the last thing that the VFW had hoped to do was to cause division in Olney. The goal was to create a veterans memorial with a water feature. Because the current fountain seemed forgotten, but had access to electricity and water, it seemed like a no-brainer to place the memorial at that location. To the VFW, it still remained the best location. In addition to needed utilities, it already had available parking.

Councilman McLaughlin moved to approve placement of the VFW's veterans memorial where the current fountain sat only if the available location at Parkside Plaza was not feasible.

Councilwoman Fehrenbacher requested that the VFW speak to Parkside Plaza first before the Council took a vote. Councilwoman Henton and Councilman Eyer agreed.

Councilman McLaughlin's motion died due to lack of a second.

Councilman Eyer wondered why the area directly north of the proposed location could not be used. He felt that location could also be a win-win for all involved. Quartermaster Ritter replied that the VFW had also thought it would be a win-win for all if the memorial was placed at the fountain site.

Fair Board President Doug Westall was in the audience. Mayor Lambird asked Mr. Westall what he thought of Councilman Eyer's proposal. Mr. Westall felt that placement at Councilman Eyer's proposed location would interfere with parking related to Fair Board activities. Additionally, Councilman Eyer's proposed location would be next to livestock barns. Mr. Westall asked if that would even be a desirable location for the VFW. VFW members in the audience did not believe that would be an ideal location.

Councilman Eyer was still strongly against memorial placement at the site of the current fountain. He read a Facebook comment from someone who was also against the proposed placement because they had thrown pennies into the fountain as a child, attended weddings near the fountain, and ate lunch there. Councilman Eyer was aware that everyone seemed supportive of a veterans memorial, but noted that so many individuals wanted the current fountain to remain. He felt his position on the Council was to represent the best interests of the community. He did not feel he could vote in favor in his best conscience.

While helping to circulate the petition, Mr. Judge stated that many people were not aware that this topic was being discussed. He wondered why the VFW had not publicized their plans or offered a public forum to hear from the community. Mr. Judge also could not understand why a different location could not be found.

Councilman McLaughlin moved to allow the VFW to use the current fountain site for the VFW veterans memorial only if the available location inside Parkside Plaza was not feasible, and if 80% of funds could be raised before construction started, seconded by Mayor Lambird.

Councilwoman Fehrenbacher still wanted the VFW to speak to Parkside Plaza first before voting. The Council agreed.

Councilman McLaughlin moved to table this topic until after the VFW had spoken with Parkside Plaza, seconded by Councilwoman Fehrenbacher. A majority affirmative voice vote was received.

Mayor Lambird called a recess at 8:12 p.m.

Mayor Lambird called the meeting back to order at 8:23 p.m.

8-D “Discussion/Possible Ordinance: Amend Section 5.24.030 (License Restrictions) of the City of Olney Municipal Code” The Council was provided with a proposed ordinance that would amend Section 5.24.030 (License restrictions) of the City of Olney Municipal Code.

Currently, the City’s raffle ordinance limited winnings to a total of \$70,000.00 in value. Representing the Olney Tiger Sports Boosters, Jeremiah Brown requested that the Council increase that amount because the organization was interested in holding a Queen of Hearts raffle that could easily exceed \$70,000.00.

Mayor Lambird moved to increase the raffle winnings cap to \$1,000,000.00 and pass Ordinance 2020-28, seconded by Councilman McLaughlin. A majority affirmative voice vote was received.

Councilwoman Henton asked for more information on the Olney Tigers Sports Boosters. Alisha Duenas replied that the Boosters were affiliated with the school district and helped to raise funds for school sports.

8-E “Raffle License: Olney Tiger Sports Boosters, Inc.” The Council was provided with a raffle license application from the Olney Tiger Sports Boosters, Inc. Because of the Council action to approve Ordinance 2020-28, the raffle license application would have an aggregate retail value of prizes to be awarded not exceed \$1,000,000.00.

Councilman McLaughlin moved to approve the Raffle License for the Olney Tiger Sports Boosters, Inc., seconded by Councilwoman Fehrenbacher. A majority affirmative voice vote was received.

8-F “Discussion/Possible Ordinance: Amend Section 12.16.070 (Steering and Sailing Rules) of the City of Olney Municipal Code” The Council was provided with a copy of e-mail correspondence from City Attorney Zuber and a proposed ordinance that would amend Section 12.16.070 (Steering and Sailing Rules) of the City of Olney Municipal Code.

Mr. Barker reminded the Council that at the last meeting, it was requested that State law regarding personal watercrafts (PWCs) be presented in order to see if the Council was comfortable with the State’s regulations or if the Council wished to add further restrictions. Mrs. Sterchi had also e-mailed a link provided by Mr. Zuber regarding boating rules.

The Council discussed how a competent spotter would be needed on a PWC that was towing any person. Mr. Zuber pointed out that a driver could not also be a spotter. Past that, the State had little guidance on what classified a competent spotter.

Councilwoman Henton noted that current laws listed age restrictions. She felt that the Council could institute an age restriction for spotters. Mr. Zuber agreed. The Council could be more restrictive than State law.

Councilwoman Henton moved to require a spotter at least 12 years of age on a PWC towing any individual and approving Ordinance 2020-29, seconded by Councilman McLaughlin. A majority affirmative voice vote was received.

8-G “Discussion/Possible Ordinance: Regulations for Food Trucks” The Council was provided with a proposed ordinance that would authorize food trucks and food trailers in the City of Olney and amend Title 5 (Business Licenses and Regulations) of the City of Olney Municipal Code by adding Chapter 5.48 (Food Truck Vendors). The Council was also provided with a proposed Food Truck Vendor Application.

At the last Council meeting, the Council wished to make some changes to the proposed ordinance regarding food trucks and trailers. The City Clerk and City Attorney had polished up the new proposed ordinance to reflect the requested changes.

Since the last meeting, Councilman McLaughlin had changed his mind on the matter. Giving an example of contractors, he wondered if the City had any requirements for a contractor coming to Olney to work on a house. Mrs. Sterchi replied that contractors doing work inside of City limits needed to register. A \$25.00 annual fee was required, as well as a certificate of insurance.

Councilman McLaughlin did not want to pick winners and losers in business, and felt that such operations should be part of the free market. Councilman McLaughlin understood that a permitting process would ensure that proper insurance, inspections, etc. were in place, but he had issues with the proposed fees.

Councilman Eyer recalled that there had been discussion about the permitting process helping brick and mortar restaurants in order to alleviate some competition and require payment of sales tax. Councilman McLaughlin felt that if a restaurant was worried about competition from a food truck, then they needed to find other ways to keep customers.

Drew Bunting, owner of The Smokin’ Pig food truck, was in the audience. Mayor Lambird asked Mr. Bunting what requirements he saw in other communities. Mr. Bunting indicated that the only other town he traveled to regularly was Albion. The municipality did not charge any fees, but Mr. Bunting paid \$25.00 per year to Edwards County in order to be able to set up on their courthouse square.

Ashley Beard was one of the owners of the Shiver Shack. She told the Council that her food truck would not be in operation for the full year as the product was sno cones. She felt that the proposed annual fee of \$250.00 was unfair. Additionally, Mrs. Beard felt that there was some misunderstanding regarding food trucks. For example, the Shiver Shack had a health inspection and paid that inspection fee. They also paid sales tax. In addition, the Shiver Shack paid lot rent to an individual that owned the private commercial property for which property taxes were being paid. Referencing minutes from the prior Council meeting, certain individuals had said that decent and/or established food trucks should not have a problem with the permitting process or the fee. Alternatively, Mrs. Beard felt that decent and/or established brick and mortar restaurants should not have any problems with food trucks.

Mr. Bunting echoed Mrs. Beard’s statement that food trucks paid sales tax. He also had a health inspection and paid that fee, had a business license through the State, and paid sales tax to the City of Olney. Mr. Bunting also felt that the \$250.00 annual fee was not appropriate.

Councilwoman Fehrenbacher pointed out that the goal of the permitting process was not just for the City to collect \$250.00. Rather, the purpose was to help avoid out-of-town food trucks from just showing up without the City knowing anything about them and/or if they were properly set up to run their business.

Kenzie Stubbe was another owner of the Shiver Shack. She said that out-of-town food trucks also affected local food truck owners such as herself. She and Mrs. Beard wondered if there could be a different pricing structure for those food truck owners in and out of Richland County.

Referencing the proposed application, Councilwoman Fehrenbacher requested inclusion of the location(s) at which the food trucks would be setting up. Mrs. Sterchi would make that change.

Councilwoman Henton asked Mrs. Guinn if she felt that a \$25.00 fee was appropriate to the permitting process. Mrs. Guinn was not sure and felt Mrs. Sterchi may have a better answer.

Compared to all that would be required in the permitting process, Mrs. Sterchi felt that the process would be more similar to that of Transient Merchant Licenses. Councilman McLaughlin asked what the fee was for a Transient Merchant License. Mrs. Sterchi replied that the fee was \$100.00 on a calendar-year basis.

Councilman McLaughlin felt that a \$100.00 fee was too high for food trucks. He suggested a \$25.00 annual fee to owners in Richland County, and a \$50.00 to owners outside of Richland County.

Councilwoman Fehrenbacher moved to change the proposed fees to \$25.00 annually for in-county food truck owners and \$50.00 annually for out-of-county food truck owners, to eliminate the 48-hour permit option, to make the ordinance effective January 1, 2021, and approve Ordinance 2020-30, seconded by Councilman McLaughlin. A majority affirmative voice vote was received.

8-H "Ordinance: Establishing Stop Signs on Linn Street for W. North Avenue & on W. North Avenue for Linn Street" The Council was provided with a proposed ordinance that would establish stop signs on Linn Street for W. North Avenue and on W. North Avenue for Linn Street.

At the last Council meeting, the Council heard a request from Ron Estes looking to have a four-way stop versus a two-way stop at the intersection of Linn Street and W. North Avenue. In putting together the proposed ordinance, it was also discovered that no ordinance was in place for the current stop sign that was currently on Linn Street stopping for W. North Avenue. The proposed ordinance would allow for both sets of stop signs.

Councilman McLaughlin moved to approve Ordinance 2020-31, seconded by Councilwoman Henton. A majority affirmative voice vote was received.

8-I "Ordinance: Regulate Parking & Loitering on 501 S. West Street and Authorizing the Execution of an Agreement Between the City of Olney and Fehrenbacher, LLC." The Council

was provided with a proposed ordinance that would regulate parking and loitering on 501 S. West Street and authorize an agreement between the City and Fehrenbacher, LLC. The Council was also provided with a copy of the proposed agreement.

Councilman Eyer moved to approve Ordinance 2020-32, seconded by Councilman McLaughlin. Mayor Lambird, Councilmen Eyer, McLaughlin, and Councilwoman Henton voted yes. Councilwoman Fehrenbacher abstained. There were no opposing votes. The motion carried.

8-J “Ordinance: Enter Into Agreement for the Local Coronavirus Urgent Remediation Emergency Support Program (Local CURE Program) and Authorize a Representative to Sign Documents Relating to the Local CURE Program” The Council was provided with a proposed ordinance pertaining to the Local CURE Program, and a spreadsheet of the City’s current COVID-19 expenses.

The City had been allotted up to \$376,021.00 in the Local CURE Program. In order to apply for any funds, the City would need to complete the certification by October 1, 2020, and provide an estimate on how much of the \$376,021.00 that the City planned to use.

Councilwoman Henton asked if expenses included sick time for employees that needed to stay at home with a sick family member. Mrs. Guinn was not completely sure, but did not believe so.

Mrs. Guinn suggested applying for \$10,000.00 worth of Local CURE Program funds. The Council agreed.

Mayor Lambird moved to approve Ordinance 2020-33 and to request \$10,000.00 worth of Local CURE Program funds, Ordinance 2020-34 from item 8-K, 2020-R-59 from item 8-L, Ordinance 2020-35 from item 8-M, and 2020-R-60 from item 8-N, seconded by Councilwoman Henton. A majority affirmative voice vote was received.

8-K “Ordinance: Amend Chapter 3.16 (Investment Policy) of the City of Olney Municipal Code by Adding Section 3.16.105 (Sustainable Investing Act)” The Council was provided with a proposed ordinance that would amend Chapter 3.16 (Investment Policy) of the City of Olney Municipal Code by adding Section 3.16.105 (Sustainable Investing Act). The Council was also provided with information from the Illinois State Treasurer’s Office regarding the Sustainable Investing Act.

The Sustainable Investing Act (PA 101-473) was signed into law by Governor Pritzker in 2019 with an effective date of January 1, 2020. It provided that all State and local government entities that held and managed public funds should integrate material, relevant, and useful sustainability factors into their policies, processes, and decision making.

Action on this item was taken under 8-J.

8-L “Resolution: Amend the Fiscal Year 2020-2021 Budget in the Street Department for the Van Street Ditch Project” The Council was provided with a proposed resolution that would amend the fiscal year 2020-2021 budget in the Street Department for the Van Street Project, and a copy of invoices from that project.

Earlier in the year, the Council took action to authorize ditch work on Van Street. The project was not included in the budget, so a budget amendment was needed to pay the invoices for the work. The funds would be coming out of Contingencies in the amount of \$2,445.00.

Action on this item was taken under 8-J.

8-M “Ordinance: Authorize the City of Olney, Richland County, Illinois, to Borrow Funds from the Water Pollution Control Loan Program” The Council was provided with a proposed ordinance that would authorize the City to borrow funds from the Water Pollution Control Program.

The proposed ordinance would authorize the City to borrow \$600,000.00 from the IEPA’s Water Pollution Control Loan Program for the addition of UV disinfection at the Sewer Plant.

Action on this item was taken under 8-J.

8-N “Resolution: Accept Bid for Granular Activated Carbon Replacement in the Water Plant” The Council was provided with a proposed resolution that would accept a bid for granular activated carbon replacement at the Water Plant. The Council was also provided with a proposed Notice of Award for the project.

Sealed bids were solicited and opened on September 2, 2020, with three bids received. Calgon Carbon of Moon Township, Pennsylvania, bid \$81,300.00. Carbon Activated Corp., of Blasdell, New York, bid \$95,500.00. All Service Contracting Corp., of Decatur, Illinois bid \$98,006.00. It was recommended to approve the low bid from Calgon Carbon.

Action on this item was taken under 8-J.

8-O “Discussion/Possible Action: Endorsement of Trick or Treat Night in Relation to the COVID-19 Pandemic” Mrs. Sterchi told the Council that City Hall was receiving phone calls inquiring whether or not Trick or Treat Night would still take place in 2020 due to COVID-19. Mrs. Sterchi wondered whether or not the City wished to endorse a Trick or Treat Night this year.

Councilman McLaughlin felt that Trick or Treat Night could still be an option. If anyone was uncomfortable participating, they would not need to. The Council agreed.

8-P “Discussion/Possible Action: Visits with Santa in Relation to the COVID-19 Pandemic” Continuing with COVID-19 concerns, the Council would also need to decide whether or not to allow character visits with Santa in 2020. Mrs. Sterchi indicated that other character visits throughout the country, for whatever occasion, had been cancelled so far.

Councilwoman Henton moved to suspend character visits with Santa for 2020, seconded by Councilwoman Fehrenbacher. A majority affirmative voice vote was received.

8-Q “Discussion/Possible Action: Olney Rotary Club’s 2020 Olney Christmas Parade” Councilman McLaughlin was also a member of the Olney Rotary Club. The Olney Rotary Club put on the Olney Christmas Parade, but the City of Olney paid expenses and City employees helped with various needs. Councilman McLaughlin was seeking direction from the Council on

whether or not Olney Rotary should move forward with plans for the Christmas Parade. Personally, he felt it would be difficult to manage 6,000 people in the downtown area during the event.

Councilwoman Henton was a member of the Tourism Board. Many Christmas parades had already been cancelled, she said.

Councilman McLaughlin moved to support cancellation of the Olney Christmas Parade for 2020, seconded by Councilwoman Henton. A majority affirmative voice vote was received.

8-R “Discussion/Possible Action: Authorize the City Manager and City Engineer to Pursue an Easement with CSX for the Elliott Street Bridge Project” Mr. Barker told the Council that in discussions with CSX Railroad, it was discovered that the City needed an easement in order to do the necessary Elliott Street Bridge improvements. The City Engineer had been in contact with CSX and was ready to proceed with the easement process, pending Council action.

Councilman McLaughlin wondered how long it would take to attain the easement. Mr. Bridges was unsure, but recalled that it took two years to get the easement for the East Street Bridge. He was unsure whether or not CSX would expedite the process.

Mr. Barker noted that the City could lose grant funding if they did not get moving quickly. The grant would expire in January of 2021, but Mrs. Guinn felt there was a chance that the grant could get extended for one year.

Councilman McLaughlin moved to authorize the City Manager and City Engineer to pursue an easement with CSX for the Elliott Street Bridge Project, seconded by Councilwoman Henton. A majority affirmative voice vote was received.

8-S “Discussion/Possible Action: Maintenance Work on the Taylor Water Tank” The Council was provided with a quote from Preferred Tank and Tower of Henderson, Kentucky for maintenance work on the Taylor Water Tank.

Mr. Barker reported that during a recent inspection of the interior of the Taylor Water Tank, excessive deterioration was discovered. The paint was failing, and there were areas of metal rusting above the current water line. Mr. Barker believed that if the inside work of the tank was done now and the outside power washed, then the City could get several more years of useful service from those measures.

Mr. Bridges had contacted two companies for quotes on the proposed project. Preferred Tank and Tower had the lowest quote at the cost of \$104,100.00 for the interior coating and maintenance, plus power washing the exterior. Era Valdivia Contractors, Inc., of Chicago, Illinois, quoted \$121,000.00 for the same services.

Additionally, there was also concern about the interior riser pipe. Until the tank was emptied, the City would not know the scope of work needed on the pipe. Pipe work would be an additional cost. Since the original quote was received, Preferred Tank and Tower had provided a supplemental quote of \$86,900.00 for paint and interior work plus riser pipe work up to \$34,000.00.

Mr. Bridges felt that exterior work to the tower could wait approximately 10 years.

Councilman McLaughlin recalled that the City should be receiving money from Verizon for use of the Taylor Water Tower. He wondered how much had been received. Mr. Barker replied that the City received \$15,000.00 per year from Verizon.

Councilman McLaughlin moved to approve moving forward with maintenance work on the Taylor Water Tank with interior work provided by Preferred Tank and Tower at \$86,900.00 and riser pipe work up to \$34,000.00, seconded by Councilwoman Henton. A majority affirmative voice vote was received.

8-T “Resolution: Support and Commit Local Funds for a CDBG Grant for the Main Street Storm Sewer” Mr. Barker reminded the Council that in June, the City submitted a grant application for funding for the Main Street Storm Sewer Project from the Rebuild Illinois Public Infrastructure Grant Program. This project was estimated to cost \$3,430,00.00. The City had not yet received notice of approval or denial of the application.

As discussed at a previous meeting, the City would need to divide the project into phases, and would be moving forward to submit an application for a CDBG grant for Phase One of the project. Phase One should cost \$1,265,630.00, including engineering. The grant application amount would be \$550,00.00.

A public hearing on Phase One of the project took place earlier in the day at City Hall at 3:45 p.m. The Council would now need to approve a resolution supporting the grant application and committing local funds to the project.

Councilman McLaughlin moved to approve a Resolution of Support and Commitment of Local Funds for a CDBG grant for the Main Street Storm Sewer Project, seconded by Councilwoman Fehrenbacher. A majority affirmative voice vote was received.

8-U “Discussion/Possible Action: VFW Memorial Placement” This item was discussed under item 8-C.

AGENDA #9 “REPORTS FROM ELECTED AND APPOINTED OFFICIALS”

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

9-B “RCDC Report” Mr. Yockey had nothing to report for RCDC, but did for Richland Reacts. Mr. Yockey reported that Richland Reacts was able to donate almost 1,000 reusable masks with mouth windows to pre-k and kindergarten students in Richland County. Masks would also be provided to students with articulation goals on their IEP to grades 1 through 12.

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

9-D “Parks & Recreation Board Report” No report was given.

A few years ago, Councilman McLaughlin recalled that a Parks & Recreation Comprehensive Plan had been created. He wondered if the current Parks & Recreation Board was interested in updating the plan. Mrs. Sterchi indicated that to her knowledge, the Board was currently discussing an update.

9-E “Tourism Board Report” Councilwoman Henton reported that Tourism Board staff had been visiting local communities and were keeping in contact with Tourism partners. The Bureau was focusing on promoting attractions as many events were cancelled due to COVID-19.

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; AND COLLECTIVE NEGOTIATING MATTERS” No closed session was needed.

AGENDA #12 “RECONVENE OPEN SESSION” There was no closed session, so this item was not needed.

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 9:07 p.m.

Kelsie J. Sterchi
City Clerk