

CITY OF OLNEY  
CITY COUNCIL MEETING  
SEPTEMBER 28, 2020

AGENDA #1 “CALL TO ORDER” The September 28, 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. Chris Jennette 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, City Engineer Mike Bridges, and Code Enforcement Officer Dallas Colwell.

AGENDA #4 “PRESENTATION OF CONSENT AGENDA”

4-A “Approve Minutes of Council Meeting on September 14, 2020”

4-B “Approve and Authorize Payment of Accounts Payable September 29, 2020” Pooled Cash \$71,786.22, Manual Pooled Cash \$3,559.77, Utility Refunds \$1,665.59, Route 130 TIF \$41,800.00”

4-C “Raffle License: St. Joseph Church”

4-D “Raffle License: Olney Elks #926”

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 Eyer moved to approve the items on the consent agenda, seconded by Councilwoman Fehrenbacher. Councilmen Eyer, McLaughlin, Councilwomen Fehrenbacher and Henton voted yes. Mayor Lambird abstained. The motion carried.

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 “Request: Solicitations of Poppy Day Donations at the Intersection of Main and East Streets from 8:00 A.M. Until 4:00 P.M. on November 7, 2020” Last year, the Olney Memorial VFW Post #4226 was approved to solicit donations at the intersection of Main and East Streets. The VFW was again requesting permission to solicit for donations this year on November 7<sup>th</sup>. Commander Nancy O’Connell had indicated that she would be at this evening’s meeting, but the Commander was not present. The Council had no issue in taking action on the topic without her presence.

Councilman McLaughlin moved to approve solicitations of Poppy Day donations at the intersection of Main and East Streets from 8:00 a.m. until 4:00 p.m. on November 7, 2020, seconded by Councilwoman Fehrenbacher. A majority affirmative voice vote was received.

8-B “Discussion/Possible Action: Dismissal and/or Recension of Pending Action Regarding the VFW Memorial Placement in the City Park” For several months now, the Council had been discussing the VFW’s request to place a veterans memorial in the City Park where the current fountain sat. The request had been met with some opposition, and the Council had requested to wait on moving forward until a formal rendering was prepared. At the September 14, 2020, Council meeting, a visual presentation on the rendering was provided along with additional information from the VFW. Also at that meeting, the Council heard several comments regarding the topic, most of them in opposition of the proposed location.

The discussion at the September 14<sup>th</sup> meeting ending with Councilman McLaughlin making a motion to allow the VFW to use the current fountain site for the veterans memorial only if the available location offered by Parkside Plaza was not feasible, and if 80% of funds could be raised before any construction had started. Mayor Lambird had seconded the motion. The Council chose not to vote at that meeting until the VFW had spoken to Parkside Plaza about the location they had offered.

Mayor Lambird told the Council that since that time, the VFW had told him that they did not feel like moving forward with the project at all any longer. The Council would need to take action to take the prior motion off of the table indefinitely.

Councilman Eyer moved to take the motion from September 14, 2020, off of the table indefinitely, seconded by Councilwoman Henton.

Also at the September 14<sup>th</sup> meeting, some members of the public suggested interest in raising funds to keep and maintain the fountain in better condition. Because of this, Mayor Lambird felt that those interested in saving the current fountain should be informed so they could go ahead and raise funds to help improve the fountain. The Mayor suggested that the fountain supporters should also set a timeline for fundraising.

A majority affirmative voice vote was received.

8-C “Ordinance: Adopt the 2018 Edition of the International Fire Code, Regulating and Governing the Safeguarding of Life and Property from Fire and Explosion Hazards Arising from the Storage, Handling and Use of Hazardous to Life or Property in the Occupancy of Buildings and Premises in the City of Olney; Providing for the Issuance of Permits and Collection of Fees Therefor; Adopting the 2018 NFPA 101 Life Safety Code and Amending Chapter 8.08 (Fire Code) of the City of Olney Municipal Code” The Council was provided with a proposed ordinance that would adopt the 2018 edition of the International Fire Code and the 2018 NFPA 101 Life Safety Code. The proposed ordinance would also amend Chapter 8.08 (Fire Code) of the City of Olney Municipal Code.

Mr. Colwell told the Council that the time had come to adopt new ordinances that would keep the City up-to-date on the progression in relevant building codes. The City of Olney had not updated its building codes since 2006.

Councilman McLaughlin noted that there were many changes, especially in the proposed ordinance under 8-C. He wondered what the main differences were and if the changes were for commercial or residential.

Mr. Colwell indicated that most of the updates were geared toward commercial structures, but residential was also included in some. Specifically regarding the 2018 International Fire Code and the 2018 NFPA 101 Life Safety Code, the City was allowed to make some amendments that were more lenient. For example, Mr. Colwell was suggesting that not every new home construction would need a fire sprinkler. Instead, only buildings over 5,000 square feet would need such a sprinkler. As always, commercial buildings would need a sprinkler system.

Councilman McLaughlin then asked if the rapid key lock systems would be required on new construction only or if current buildings would be required to retrofit. Mr. Colwell replied that the Fire Chief had some success with having some commercial sites voluntarily retrofit, but the ordinance would make the boxes required on new commercial construction.

Councilman McLaughlin then noted that the ordinance would give the Fire Chief some authority over regulation. Mr. Colwell indicated so, but pointed out that the proposed ordinance was amended to eliminate the requirement of inspections until mandated by the State.

Councilman Eyer moved to approve Ordinance 2020-36, seconded by Councilwoman Henton. A majority affirmative voice vote was received.

Mayor Lambird wondered if the Council would wish to take action on items 8-D through 8-L in the next vote. The Council felt they would be interested, but had a couple more questions.

Councilman McLaughlin asked for the big difference on the proposed ordinance under 8-F regarding the International Energy Conservation Code. Mr. Colwell told the Council that the International Energy Conservation Code could not be amended by the City, similar to the Illinois Plumbing Code. The biggest updates were in regards to insulation, air barriers, and raising the R-values for future commercial and residential construction.

Councilman McLaughlin moved to approve Ordinance 2020-37 from item 8-D, Ordinance 2020-38 from item 8-E, Ordinance 2020-39 from item 8-F, Ordinance 2020-40 from item 8-G, Ordinance 2020-41 from item 8-H, Ordinance 2020-42 from item 8-I, Ordinance 2020-43 from item 8-J, Ordinance 2020-44 from item 8-K, and Ordinance 2020-45 from item 8-L, seconded Councilman Eyer. A majority affirmative voice vote was received.

8-D “Ordinance: Adopt the 2018 Edition of the International Building Code Regulating and Governing the Conditions and Maintenance of All Property, Buildings and Structures; by Providing the Standards for Supplied Utilities and Facilities and Other Physical Things and Conditions Essential to Ensure That Structures are Safe, Sanitary and Fit for Occupation and Use; and the Condemnation of Buildings and Structures Unfit for Human Occupancy and Use and the Demolition of Such Structures in the City of Olney; Providing for the Issuance of Permits and Collection of Fees Therefor; and Amending Chapter 15.08 (Building Code) of the City of Olney Municipal Code” The Council was provided with a proposed ordinance that would adopt the 2018 edition of the International Building Code and amend Chapter 15.08 (Building Code) of the City of Olney Municipal Code.

Action on this item was taken under 8-C.

8-E “Ordinance: Adopts the 2018 Edition of the International Fuel Gas Code, Regulating and Governing Fuel Gas Systems and Gas-Fired Appliances in the City of Olney; Providing for the Issuance of Permits and Collection of Fees Therefor; and Amending Title 15 (Buildings and Construction) of the City of Olney Municipal Code by Amending Chapter 15.60 (Fuel Gas Code) Thereto” The Council was provided with a proposed ordinance that would adopt the 2018 edition of the International Fuel Gas Code and amend Title 15 (Buildings and Construction) of the City of Olney Municipal Code by amending Chapter 15.60 (Fuel Gas Code).

Action on this item was taken under 8-C.

8-F “Ordinance: Adopts the 2018 Edition of the International Energy Conservation Code, Regulating and Governing Energy Efficient Building Envelopes and Installation of Energy Efficient Mechanical, Lighting and Power Systems in the City of Olney; Providing for the Issuance of Permits and Collection of Fees Therefor; and Amending Title 15 (Buildings and Construction) of the City of Olney Municipal Code by Amending Chapter 15.56 (Energy Conservation Code) Thereto” The Council was provided with a proposed ordinance that would adopt the 2018 edition of the International Energy Conservation Code and amend Title 15 (Buildings and Construction) of the City of Olney Municipal Code by amending Chapter 15.56 (Energy Conservation Code).

Action on this item was taken under 8-C.

8-G “Ordinance: Adopt the 2018 Edition of the International Property Maintenance Code, Regulating and Governing the Conditions and Maintenance of All Property, Buildings and Structures; by Providing the Standards for Supplied Utilities and Facilities and Other Physical Things and Conditions Essential to Ensure That Structures are Safe, Sanitary and Fit for Occupation and Use; and the Condemnation of Buildings and Structures Unfit for Human Occupancy and Use, and the Demolition of Such Existing Structures in the City of Olney; Providing for the Issuance of Permits and Collection of Fees Therefor; and Amending Title 15 (Buildings and Construction) of the City of Olney Municipal Code by Amending Chapter 15.52 (Property Maintenance Code) Thereto” The Council was provided with a proposed ordinance that would adopt the 2018 edition of the International Property Maintenance Code and amend Title 15 (Buildings and Construction) of the City of Olney Municipal Code by amending Chapter 15.52 (Property Maintenance Code).

Action on this item was taken under 8-C.

8-H “Ordinance: Adopt the 2018 Edition of the International Residential Code, Regulating and Governing the Construction, Alteration, Movement, Enlargement, Replacement, Repair, Equipment, Location, Removal and Demolition of Detached One and Two Family Dwellings and Multiple Single Family Dwellings (Townhouses) Not More Than Three Stories in Height with Separate Means of Egress in the City of Olney; Providing for the Issuance of Permits and Collection of Fees Therefor; and Amending Chapter 15.28 (Residential Code) of the City of Olney Municipal Code” The Council was provided with a proposed ordinance that would adopt the 2018 edition of the International Residential Code and amend Chapter 15.28 (Residential Code) of the City of Olney Municipal Code.

Action on this item was taken under 8-C.

8-I “Ordinance: Adopt the April 2014 Edition of the Illinois Plumbing Code, Regulating and Governing the Design, Construction, Quality of Materials, Installation, Alteration, Enlargement,

Repair, Location, Relocation, Replacement, Addition to, Use or Maintenance of Plumbing Systems in the City of Olney; Providing Penalties for the Violation Thereof; and Amending Chapter 15.16 (Plumbing Code) of the City of Olney Municipal Code” The Council was provided with a proposed ordinance that would adopt the April 2014 edition of the Illinois Plumbing Code and amend Chapter 15.16 (Plumbing Code) of the City of Olney Municipal Code.

Action on this item was taken under 8-C.

8-J “Ordinance: Adopt the 2018 Edition of the International Mechanical Code, Regulating and Governing the Design, Construction, Quality of Materials, Erection, Installation, Alteration, Repair, Location, Relocation, Replacement, Addition to, Use or Maintenance of Mechanical Systems in the City of Olney; Providing for the Issuance of Permits and Collections of Fees Therefor; and Amending Chapter 15.20 (Mechanical Code) of the City of Olney Municipal Code” The Council was provided with a proposed ordinance that would adopt the 2018 edition of the International Mechanical Code and amend Chapter 15.20 (Mechanical Code) of the City of Olney Municipal Code.

Action on this item was taken under 8-C.

8-K “Ordinance: Adopt the 2018 Edition of the International Existing Building Code, Regulating and Governing the Repair, Alteration, Change of Occupancy, Addition and Relocation of Existing Buildings, Including Historic Buildings, in the City of Olney; Providing for the Issuance of Permits and Collection of Fees Therefor; and Amending Chapter 15.24 (Existing Building Code) of the City of Olney Municipal Code” The Council was provided with a proposed ordinance that would adopt the 2018 edition of the International Existing Building Code and amend Chapter 15.24 (Existing Building Code) of the City of Olney Municipal Code.

Action on this item was taken under 8-C.

8-L “Ordinance: Adopt the 2017 Edition of the NFPA 70, National Electrical Code, Regulating and Governing the Design, Construction, Quality of Materials, Erection, Installation, Alteration, Repair, Location, Relocation, Replacement, Addition to, Use or Maintenance of Electrical Systems in the City of Olney; Providing for the Issuance of Permits and Collection of Fees Therefor; and Amending Chapter 15.12 (National Electrical Code) of the City of Olney Municipal Code” The Council was provided with a proposed ordinance that would adopt the 2017 edition of the NFPA 70, National Electrical Code, and amend Chapter 15.12 (National Electrical Code) of the City of Olney Municipal Code.

Action on this item was taken under 8-C.

8-M “Resolution: Amend the Fiscal Year 2020/2021 Budget for the Ameren Right Tree Right Place Grant” The Council was provided with a proposed resolution that would amend the fiscal year 2020/2021 budget for the Ameren Right Tree Right Place Grant.

Mrs. Sterchi told the Council that the Treed Board had applied for a Right Tree Right Place Grant from Ameren. This grant was awarded in the amount of \$2,500.00, and the Board proposed for the grant to be used to provide for the planting of shade trees and ornamental trees at the Musgrove Park ball complex. As a result, the 2020/2021 budget would need to be amended in order to accept and disburse those funds.

Councilwoman Henton moved to approve 2020-R-61, seconded by Councilman Eyer. A majority affirmative voice vote was received.

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

Mrs. Guinn reminded the Council that Hill’s Solutions, LLC., and RDMNZ, Inc., were businesses that the Council had approve to apply for Downstate Small Business Grants. Even though the City did not yet have official notification, Hill’s Solutions, LLC., was listed on the last round of awards from the DCEO. If any grant requests were approved, there would be a requirement that a separate bank account be set up to handle the funds. Only one account would be required for both grants should they both be awarded.

Councilwoman Fehrenbacher moved to approve 2020-R-62, seconded by Councilman Eyer. A majority affirmative voice vote was received.

8-O “Discussion/Possible Ordinance: Amend Section 3c of the Redevelopment Agreement with Parkside Inn, LLC., Dated October 26, 2017, to Begin Reimbursement with a Partial Year of Assessment in 2019 Payable in 2020” The Council was provided with a memo from Eric Seals of Parkside Inn, LLC.

Mr. Barker told the Council that Mr. Seals was asking the City to reimburse Parkside Inn’s real estate taxes for the hotel property for the 2019 taxes payable in 2020. According to the Redevelopment Agreement between the City and Parkside Inn, LLC., “the City will reimburse for eligible costs up to 85% of the tax increment generated by the developer of the Project Area for the first five (5) years, the first of said five years being the first year of full assessment of the TIF agreement. The City will then reimburse the Developer for eligible costs up to 75% until the expiration of the TIF district.”

The City and Mr. Seals seemed to have a different interpretation of the agreement’s language. Therefore, the City Attorney consulted with the City’s TIF attorney, Terry Bruckert, with respect to the request. Should the Council desire to begin reimbursements with partial assessment, the Redevelopment Agreement would need to be amended. For the Council’s information, Mr. Zuber indicated that Mr. Bruckert had said that the City’s interpretation of the agreement was correct in that the first year fully assessed would be 2020 payable in 2021.

Councilman McLaughlin wondered if it would actually benefit the City to accept Mr. Seals’ request. He thought that perhaps a partial year assessment would knock off one year of the first five years at 85% reimbursement.

Mr. Zuber replied that even if it did knock off one year of 85% reimbursement, it would add another year of the 75% reimbursement because it would go through the life of the TIF.

RCDC Executive Director Courtney Yockey added that the extra year of 75% reimbursement would only be valid if there were funds still available that had been agreed upon. Mr. Zuber agreed. Even so, Councilwoman Henton pointed out that would obligate the City to pay an extra year.

If the Council agreed to Mr. Seals' request, Councilwoman Fehrenbacher feared that other TIF agreements in the future would ask for the same thing.

Mr. Zuber also pointed out to the Council that the partial reimbursement that Mr. Seals was requesting had not been budgeted for in this fiscal year.

The Council took no action on this item.

8-P "Discussion/Possible Ordinance: Amend Redevelopment Agreement with Parkside Inn, LLC., Dated October 26, 2017, to Include the Event Center Currently Being Constructed in the Project" The Council was provided with a memo from Eric Seals of Parkside Inn, LLC.

Mr. Barker told the Council that Mr. Seals was also requesting to include the Event Center as part of the "Project" described in the Redevelopment Agreement between Parkside Inn and the City. In the agreement, the Project was described as a new upper-mid level, 60-room hotel and parking lot in the City of Olney. The project summary submitted with the TIF application referenced a "Conference Center" being built south of the hotel as a second phase project based on market demand. However, the Conference Center was not actually included as part of the Project in the Redevelopment Agreement.

Councilwoman Fehrenbacher wondered what would change if the conference/event center was included as part of the agreement.

Mr. Zuber explained that the Project Area was defined as 3.4 acres on Lots 1 and 2 in Parkside Plaza. The new conference/event center would be located on Lots 1 and 2, so the center would technically be in the Project Area as defined, but the conference/event center was not listed in the definition of the Project. The addition of the center would not change the length of time for the project nor the amount to be paid.

Councilman McLaughlin stated his full support of the request since the center would be located on the same parcel.

Councilman Eyer agreed with Councilman McLaughlin, but also wondered if doing so would set a new precedent. He felt that the proposed conference/event center should have been in both the TIF application and the Redevelopment Agreement. Mayor Lambird pointed out that was an error of the City's and not the developer's. Even so, Councilman Eyer pointed out that the developers agreed to and signed the agreement.

Councilwoman Henton acknowledged the fact that the developers were not even sure that a conference/event center project would happen, so it would have been difficult to put that into the agreement. Mr. Zuber agreed. Because of that uncertainty, the developers would not have been able to give an estimate on eligible costs. Mr. Zuber also pointed out that this amendment would not affect the start date listed in the agreement.

Mr. Barker noted that the conference/event center could be partially assessed, but not the hotel.

Councilman McLaughlin moved to approve Ordinance 2020-46, seconded by Mayor Lambird. Councilmen McLaughlin, Eyer, Mayor Lambird, Councilwomen Fehrenbacher and Henton voted yes. There were no opposing votes. The motion carried.

8-Q “Discussion/Possible Resolution: Authorize Entering Into a Construction Agreement with CSX Transportation, Inc., for the Elliott Street Bridge Project & Authorize Deposit Payment to CSX Transportation, Inc.” The Council was provided with a proposed resolution that would authorize entering into a construction agreement with CSX Transportation, Inc. (CSXT), for the Elliott Street Bridge Project and would authorize a deposit payment to CSXT. The Council was also provided with a copy of the proposed agreement payment submission form.

At the last Council meeting, the Council discussed the need for an easement from CSX before proceeding on the Elliott Street Bridge Project, and Mr. Bridges was currently in the process of obtaining the easement.

In the meantime, Mr. Barker told the Council that a construction agreement was received from CSXT for the project, and they were also requesting a deposit in the amount of \$89,518.00 for the work they would need to handle. If the entire deposit was not used by CSXT, the City would be reimbursed the unused portion.

An amount of \$45,000.00 had been included in this year’s budget for the project. Mr. Barker and Mr. Bridges were still checking into how long it would take to get the easement from CSX. Should the City run the risk of losing CDAP grant funds before the easement was obtained, the deposit payment would not be issued. Mr. Barker believed there was some chance that the City could receive a temporary construction easement until a permanent easement was obtained.

Councilman McLaughlin asked what the deposit payment would be used towards. Mr. Bridges replied that the money would be used for a flagger for CSX trains, and they would also have someone come to inspect the City’s work.

Councilwoman Fehrenbacher moved to approve 2020-R-63, seconded by Councilwoman Henton. A majority affirmative voice vote was received.

#### AGENDA #9 “REPORTS FROM ELECTED AND APPOINTED OFFICIALS”

9-A “Status Report-City Manager” Mr. Barker reported that a patrol vehicle had received some damage in the last week.

Councilman McLaughlin asked for an update on the Route 130 sidewalk project. Mr. Bridges replied that the City had completed its portion for the time being, and all other aspects were still in limbo at the State level. Construction was hoped to begin in 2021. Mr. Barker added that the State was working on designs for signals and their environmental portion.

Mayor Lambird asked if it had been discovered in the five year plan that the State would be paying for updated crossings at the intersection of Main Street and Route 130. Mr. Bridges had not yet found such indications.

9-B “RCDC Report” Mr. Yockey thanked the Council for their willingness to discuss the requests from Parkside Inn, LLC. He also reported that he would be partnering the next day with the U of I Extension office for a webinar.

Mr. Yockey then told the Council that this week would be his last week of working with RCDC as he had submitted a letter of resignation and had taken a position elsewhere.

Mayor Lambird thanked Mr. Yockey for his years of hard work on behalf of the City.

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

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

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

AGENDA #10 “PUBLIC COMMENTS/PRESENTATIONS” Paula Duncan had entered the meeting about two-thirds of the way through. From the audience, she asked where the topic of the veterans memorial versus the City Park fountain stood. Mayor Lambird told her that the VFW had backed off of that project, and that he expected that the group wanting to save the fountain would be fundraising money for its maintenance.

Ms. Duncan felt that the fountain was architecturally sound, and did not want it to be removed. She then stated that her father had built the fountain.

Audience member Ashley Waggoner told the Council that she felt sentiment towards the Elliott Street Bridge. She wondered what the bridge would be replaced with when torn down. Mr. Bridges clarified that the Elliott Street Bridge Project was a maintenance project, and that the bridge would not be demolished.

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

The meeting adjourned at 7:33 p.m.

Kelsie J. Sterchi  
City Clerk