

CITY OF OLNEY
CITY COUNCIL MEETING
AUGUST 10, 2015

AGENDA #1 “CALL TO ORDER” The August 10, 2015, 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 Ray Vaughn presiding.

AGENDA #2 “PLEDGE OF ALLEGIANCE TO THE FLAG-PRAYER” Council members and visitors joined in the pledge of allegiance to the flag.

AGENDA #3 “ROLL CALL” The following Council members were present: Les Harrison, Belinda Henton, John McLaughlin, Bob Ferguson, and Ray Vaughn. Also present were City Manager Allen Barker, City Treasurer Chuck Sanders, City Clerk Kelsie Sterchi, and City Engineer Roger Charleston.

AGENDA #4 “PRESENTATION OF CONSENT AGENDA”

- 4-A Approve Minutes of Council Meeting on July 27, 2015
- 4-B Approve and Authorize Payment of Account Payable August 11, 2015: Petty Cash \$256.63, Pooled Cash \$101,344.34, Manual Pooled Cash \$104,160.31, W. North Lift Station \$56,519.71, MFT \$27,910.00, Liability Insurance \$310.56
- 4-C Raffle License-La Gala, Ltd.
- 4-D Raffle License-Olney Elks Lodge #926
- 4-E Raffle License-Olney Fire Department

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 Henton. A majority affirmative voice vote was received to approve 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.

Mayor Vaughn wished to move to item 8-B “An Adoption of An Ordinance Amending Chapter 3.16 (Investment Policy) of the Olney Municipal Code.” The Council was provided with a proposed ordinance to amend Chapter 3.16 of the Olney Municipal Code. City Treasurer Sanders explained that the proposed ordinance would update the City’s authorized depositories, and add a paragraph specifying the City Manager, City Treasurer, and Mayor as authorized

signatories. The amended ordinance would also allow the City Manager or City Treasurer to approve other individuals for specific accounts as necessary.

Councilman Ferguson moved to approve Ordinance 2015-34, seconded by Councilwoman Henton. A majority affirmative voice vote was received.

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

8-A “Discussion: Acquisition of Easement from Cypress Road to the East” The Council was provided with a listing of addressees and a copy of a letter sent to nearby property owners making them aware of the upcoming easement acquisition discussion.

Attorney Jeff Fleming summarized that Mike and Lori Uhl had purchased real estate in 2012 that was inside City limits. Since the purchase, the Uhls had attempted to gain easements for water and sewer from nearby land owners. The Uhls were able to obtain a water easement, but had not been able to obtain a sewer easement. Prior City Manager, Larry Taylor, had also made attempts to obtain easements for the City in the area with no success.

The Uhls were in the process of building a home and did not have any access to City sewer lines. Mr. Fleming felt that with the Uhls as City residents, the City would have the obligation to provide the sewer easement. The area desired for the easement was off of Cypress Road in an area that was originally platted as the Mack Avenue extension.

The City could obtain the sewer easement through eminent domain. If the City did not obtain the easement, the Uhls would be required to install a septic system that would dispell residue inside City limits. Therefore, the Uhls were formally requesting eminent domain to obtain the necessary easement. If the City refused to provide the easement, Mr. Fleming felt it would send the message that neighbors were allowed to dictate who could and could not have access to City services.

The Uhls had indicated that they would be willing to finance the sewer line and its installation, if provided the easement. The line would only service one single-family residence.

Mayor Vaughn was aware that conversations had taken place with the surrounding neighbors. He was curious as to why the neighbors would not allow for the easement. Mr. Fleming replied that James Ferguson had told him that he would not allow for the easement and added that there was no need to discuss his reasoning. Past that, Mr. Fleming had spoken with Shirley Atwood’s attorney who also indicated refusal of granting the easement, also without a definite reason.

Mayor Vaughn wished to clarify that the proposed area for the easement was already within the platted Mack Avenue extension that was presently housing easements for gas and electric. Mr. Fleming confirmed.

Councilman McLaughlin felt that other utility companies would obtain the easement, if needed. As the City was also a utility, he felt obligation was present to get services to a City resident, especially since other easements were already present in the area.

From the audience, Russell Brooks wanted to know if the easement would change requirements for nearby non-City residents to annex. Mayor Vaughn replied that the potential acquisition was not with the intent to annex any additional properties.

Mayor Vaughn also added that he was aware of a few other portions of the City that did not have access to City water and sewer. The issue for these areas not being provided with the services at this time was due to cost. The difference in the case of the Uhls was that the Uhls were willing to pay the cost to extend services.

Councilman Ferguson noted that it would be advantageous to have easements extended as the City was growing towards the northeast. If future development took place in that direction, the easements would be necessary. Mayor Vaughn agreed that looking into future needs was important.

Councilwoman Henton wondered what the difference would be on installing a service line versus a main. City Engineer Charelston replied that installing a main would be much more expensive.

The Councilwoman then asked what eminent domain procedures would cost the City. City Attorney Zuber was hesitant to discuss a potential lawsuit in open session. He encouraged discussing the situation further in closed session and not voting on it at the present time.

Councilman Ferguson felt that if an easement was acquired, it should extend to Holly Road; across the Uhl's property. Mike Uhl nodded in agreement, and Councilman Harrison also agreed.

With this in mind, Mr. Brooks asked if the easement ran to Holly Road if he, and possibly others, would have the option to tie on to City services. Councilman Ferguson indicated that if a resident tapped on to City services, they were normally asked to annex.

Mr. Zuber asked what the width would be of the proposed easement. Mr. Fleming replied that 30 feet would be necessary for construction and maintenance purposes.

The topic would be tabled for further discussion until after closed session.

8-B “An Adoption of An Ordinance Amending Chapter 3.16 (Investment Policy) of the Olney Municipal Code” This topic was discussed before item 8-A.

8-C “Update: 2016 Dodransbicentennial Celebration Weekend” City Clerk Sterchi reported that the Dodransbicentennial Commission had an exciting celebration weekend planned for July 22 -24, 2016. Friday, July 22, would hold a fun evening event in the City Park that would feature Ryan Ideus & Feudin’ Hillbillys for entertainment. Saturday, July 23, would feature a parade in the morning with a festival in the City Park that afternoon. Saturday evening was slated for a very exciting event that the Commission was not even allowed to release information on quite yet. Sunday, July 24, would be host to a community picnic followed by an ecumenical worship service. She then thanked the Council for their support of the celebration.

Mayor Vaughn added that the Commission had been working closely with the Fair Board, as much of the celebration would be taking place on the fairgrounds. In conjunction with the Commission’s plans, they were asking that the City be in favor of allowing a Class S liquor license during some of the celebration weekend’s events. Class S liquor licenses had also been granted in the past for events such as the wine tent at the Richland County Fair and the Blues Fest held there in 2014. If the Council was in favor, the Commission would move forward in securing the plans. Restrictions and guidelines would be in place for regulation. The Council was in agreement to support a Class S liquor license being issued for the celebrations taking place on July 22 and 24 of 2016.

8-D “An Adoption of a Resolution Authorizing the Purchase of Leaf Vacuum and Waive Formal Bidding Procedures” The Council was provided with a leaf collection summary from the City Manager, a proposed resolution to waive formal bidding procedures to purchase a leaf vacuum machine, a quote for a leaf vacuum submitted by Partners Manufacturing Group, Inc., and a specifications sheet for a DinkMar vacuum.

City Manager Barker indicated that the City needed two leaf vacuum machines to run its program. The City only had one leaf vacuum machine currently operable. Another leaf vacuum machine was necessary to conduct the collection program this year. The 2015/2016 budget had \$30,000.00 budgeted for a new machine. Partners Manufacturing, Inc., had quoted \$25,252.00. Delivery time was estimated at two months.

The City wanted to encourage residents to bag their leaves for quicker, more efficient pick up. With this thought, the City had entertained the thought of providing bags to the residents. Mr. Barker told the Council that the cost for bags would easily exceed \$2,000.00.

From there, the distribution and collection of the bags would be another issue. He recommended holding off supplying bags for the time being.

Councilman McLaughlin asked what the procedure would be if citizens bagged their leaves. City Clerk Sterchi replied that during the leaf collection program, citizens had the option to call in and provide their address if their leaves were bagged. At that point, a Street Department employee could simply drive by in one of their trucks to pick up the leaves. Following the conclusion of the leaf collection program involving the leaf vacuum, citizens could still bag their leaves for removal for a few more weeks. They would still need to call in to City Hall for pick up. The City Manager felt that other departments could also assist with removing the bagged leaves. Councilman McLaughlin wished to try and promote the bagging of leaves more in the coming year.

Mayor Vaughn asked what the life expectancy of the proposed leaf vacuum. Mr. Barker replied that most stay in service for 10 to 12 years.

From the audience, Dr. David Eckiss asked what happened to the leaves that were vacuumed. The Council replied that a few things had been done with the leaves over the years. Some had been taken to a farm to be mulched, some had been taken to the brush dump, and Nu Earth had also hauled away leaves in the past.

Councilwoman Henton wondered what the difference would be in burning leaves in her yard versus burning them at the brush dump located at the edge of town. She suggested getting a quote from Nu Earth for the hauling of leaves to see if it would fit into the budget.

Mayor Vaughn and Councilman Ferguson were curious how many man hours it took to run the leaf collection program. City Treasurer Sanders was unsure, but could calculate the numbers.

Councilman McLaughlin moved to approve 2015-R-46, seconded by Councilman Ferguson. A majority affirmative voice vote was received.

8-E “An Adoption of a Resolution Authorizing Legal Proceedings to Demolish Building at 403 W. Elm Street” The Council was provided with a proposed resolution to authorize legal proceedings to demolish a building at 403 W. Elm Street.

City Attorney Zuber told the Council that all necessary procedures had been taken to initiate legal proceedings for the demolition. If the resolution was approved, the property owner would have 15 days to comply to regulation or demolish the property themselves. If the property owner takes no action, the City can proceed to the court system.

Councilman McLaughlin moved to approve 2015-R-47, seconded by Mayor Vaughn. A majority affirmative voice vote was received.

8-F “An Adoption of a Resolution Authorizing Legal Proceedings to Demolish Buildings at 533 W. Chestnut Street” The Council was provided with a proposed resolution to authorize legal proceedings to demolish buildings at 533 W. Chestnut Street.

Councilman McLaughlin moved to approve 2015-R-48, seconded by Councilwoman Henton. A majority affirmative voice vote was received.

8-G “An Adoption of An Ordinance Authorizing and Providing for the City of Olney, Illinois, to Execute, Enter Into and Perform a Loan Agreement with the Illinois Environmental Protection Agency for the Purpose of Paying a Part of the Cost of Constructing, Improving and Extending the City’s Waterworks Facilities, and Making Certain Covenants in Providing for the Operation of the City’s Separate Waterworks System and the Pledge, Dedication, Collection, Segregation and Distribution of the Revenues to be Derived from the Operation Thereof” The Council was provided with a proposed bond ordinance, required by the IEPA, for the W. Main water main project.

Mr. Barker explained that the ordinance allowed the City to issue and authorize up to \$775,000.00 in revenue bonds, and to execute and deliver the loan agreement. Interest was not to exceed five per cent.

Councilman Ferguson moved to approve Ordinance 2015-35, seconded by Councilman McLaughlin. A majority affirmative voice vote was received.

AGENDA #9 “REPORTS FROM ELECTED AND APPOINTED OFFICIALS”

9-A “City Manager - Status Report” The Council was provided with a status report from City Manager Barker. Mr. Barker reported that he had received word that the City was able to participate in the State bid for salt this year. He had also been working to resolve some older issues. He stated that he was enjoying his time with the City so far.

City Engineer Charleston told the Council that the Safe Routes to School sidewalk project had been completed. He also told the Council that bids for the W. Main water main project would probably take place early in 2016.

Councilman McLaughlin thanked the Council for passing the Parks & Recreation Comprehensive Plan in his absence.

City Treasurer Sanders reported that the City had received its first distribution of real estate taxed of about \$760,000.00. He also indicated that the final payment had been made on the N. Street lift station. The loan reimbursement had been approved, although not yet received.

Mr. Sanders continued that income tax was trending favorably. Sales tax was trending under expectations. Use tax was coming in slightly higher than expected. He also added that the State was withholding video gaming revenues.

With the recent success of the Little League All Star team, Councilman Ferguson asked if the City had provided any donations to the group. While the City had provided a sponsorship for the radio broadcasting of the games, the Councilman felt that if asked, the City should supply an additional contribution. The Council agreed.

Mr. Sanders told the Council that Pickleball donations were now at a total of \$1,300.00. The Pickleball group had also authorized the payment of the court resurfacing invoice. The payment would go into payables for the next Council meeting.

AGENDA #10 “PUBLIC COMMENTS/PRESENTATIONS”

10-A “Brian O’Neill” Brian O’Neill, 818 E. Main Street, approached the Council while wearing his presidential campaign t-shirt that read “America Can’t Afford No Life Left Behind.”

Mr. O’Neill explained that lives left behind also left cost to the tax payers and the Governor. America should work with other countries to become more involved. He felt America did not enforce laws or express equality.

AGENDA #11 “CLOSED SESSION: SALE PRICE OF REAL PROPERTY; ACQUISITION OF REAL PROPERTY, APPOINTMENT, EMPLOYMENT AND PERFORMANCE OF SPECIFIC EMPLOYEES; AND COLLECTIVE NEGOTIATING MATTERS”

Councilman Harrison moved to adjourn to closed session to discuss sale price of real property, acquisition of real property, appointment, employment and performance of specific employees, and collective negotiating matters, seconded by Councilman Ferguson. A majority affirmative voice vote was received.

Councilmen Harrison, McLaughlin, Ferguson, Councilwoman Henton, Mayor Vaughn, City Manager Barker, City Attorney Zuber, City Treasurer Sanders and City Clerk Sterchi left the Council Chambers at 7:59 p.m.

AGENDA #12 “RECONVENE OPEN SESSION” Upon the return of those who were in closed session to the Council Chambers, Councilwoman Henton moved to enter back into open session,

seconded by Councilman McLaughlin. A majority affirmative voice vote was received. Open session resumed at 9:03 p.m.

The Council revisited item 8-A. Mayor Vaughn moved to authorize action to obtain the proposed sewer easement by eminent domain, with the option to use negotiations, or obtain the easement by other means, seconded by Councilwoman Henton. A majority affirmative voice vote was received.

12-A “Ordinance: Amend Chapter 2.12 (Administrative Structure) of the Olney Municipal Code” The Council was provided with a proposed ordinance to amend Chapter 2.12 of the Olney Municipal Code. The ordinance would allow the City Treasurer to hire an Assistant City Treasurer as of January 1, 2016.

Councilman Harrison moved to approve Ordinance 2015-36, seconded by Councilman McLaughlin. A majority affirmative voice vote was received.

12-B “Ordinance: Establish Salary and Wage for a Full-Time Employee” The Council was provided with a proposed ordinance to establish salary and wage for a full-time employee. The ordinance would provide a wage for the Accountant in the Treasurer’s Department to be \$22.84 per hour, effective September 1, 2015. The ordinance would also allow the annual salary for the Assistant City Treasurer to be \$50,000.00 as of January 1, 2016.

Mayor Vaughn moved to approve Ordinance 2015-37, seconded by Councilman McLaughlin. A majority affirmative voice vote was received with Councilwoman Henton voting no. The motion carried.

Mayor Vaughn told the Council that since the discussion at the July 27, 2015 meeting, regarding the weed ordinance, he had been inundated with parties who would be affected by the enforcement of the ordinance on large acreages that bale their areas when over 12 inches.

The Mayor felt that there were some circumstances that should allow for the baling of fields, but would not want to see neighborhoods surrounded by weeds. Councilwoman Henton differed in opinion, stating that if the fields adjoined residential districts, they should be mowed unless planted as a true crop that was well-maintained.

Mr. Sanders noted that he had spoken to the individual that harvested the field in Musgrove Park. The individual would bale the area one more time in 2015, but that would be done before the length exceeded 12 inches.

Councilman Ferguson wondered if the Council would entertain a sort of special use permit for a property owner to apply for the purpose of baling. The Council felt that such an idea would be a way to distinguish when it would and would not be acceptable to have a field exceed a growth of 12 inches. Until a plan was in place, the Mayor requested to let the issue rest.

Councilwoman Henton asked what the intentions were for the field in Musgrove Park. A majority of the Council indicated that they would like to see the field turned into a grassy area for public recreation.

AGENDA #13 “ADJOURN” Councilman McLaughlin moved to adjourn, seconded by Councilman Harrison. A majority affirmative voice vote was received.

The meeting adjourned at 9:17 p.m.

Kelsie J. Sterchi
City Clerk