

CITY OF OLNEY  
CITY COUNCIL MEETING  
JUNE 9, 2014

AGENDA #1 “CALL TO ORDER” The June 9, 2014 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. John Monroe led the group in a prayer.

AGENDA #3 “ROLL CALL” The following Council members were present: Barb Thomas, Brad Brown, Bob Ferguson, and Ray Vaughn. John McLaughlin was absent. Also present were City Manager Larry Taylor, City Treasurer Chuck Sanders, City Engineer Roger Charleston and City Clerk Kelsie Sterchi.

AGENDA #4 “PRESENTATION OF CONSENT AGENDA”

4-A Approve Minutes of Council Meeting from May 27, 2014

4-B Approve and Authorize Payment of Accounts Payable June 10, 2014-Petty Cash \$367.94, Pooled Cash \$113,015.44, Manual Pooled Cash \$104,525.37, MFT \$15,805.85, Tourism \$4,279.37

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

AGENDA #6 “CONSIDERATION OF CONSENT AGENDA” Councilwoman Thomas moved to approve the items on the consent agenda, seconded by Councilman Brown. A majority affirmative voice vote was received to approve the consent agenda.

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

AGENDA #8 “PUBLIC COMMENTS/PRESENTATIONS”

8-A “City of Only and R \_\_\_ land in the State of Ill Has Raised 3 to 4 Decades of Immature Adults and Newborns” Brian O’Neill, 818 E. Main Street, came before the Council and introduced himself as a 2016 democratic presidential candidate. Mr. O’Neill described the title of his topic to mean that R \_\_\_ land meant “Retardland” and that Ill meant “sick.”

Mr. O’Neill felt that parents no longer knew how to raise children. In the “old days,”

parents did a much better job in raising children. If children spoke inappropriately, their mouths would then be washed out with soap. Mr. O'Neill then utilized a visual aid by sticking a new bar of soap into his mouth.

Mr. O'Neill also felt that poor parents led predators to steal children. Mr. O'Neill's mother in New York always told him that when in New York, never take an arm off of your child.

Mr. O'Neill went further to describe his disdain for Olney by saying that the parks had graffiti, elected officials do not do their jobs, the police officers do not do their jobs and that the education system was in need of change. He felt that citizens should be at the parks studying on their tablets while using free internet access. Mr. O'Neill ended by stating that just because other communities would not address their crime issues did not mean that Olney should also ignore their issues.

8-B "Request: Class S Liquor License" The Council was provided with an application for a Special Use Permit for the Sale of Alcoholic Liquors as submitted by Bartley Zuber. The purpose of the application was to hold a wine tasting event at the Richland County Fair.

Mayor Vaughn asked for clarification from City Manager Taylor regarding a Class W (Winemaker's Retail) license. Mr. Taylor explained that winemakers would need to apply for a winemaker's license. If approved, the license would allow winemakers to hold tastings off of their properties without needing to come to the Council for approval each time. The license would need to be re-applied for annually.

Mr. Zuber came before the Council and described that Berryville and Fox Creek Wineries may not have been aware of the Class W license. Mr. Zuber's request was similar to the request from the year prior in that The Gypsy would hold the Class S license, and The Gypsy would be reimbursed for application fees by the Fair Board.

Councilman Ferguson moved to approve the Class S license for The Gypsy, seconded by Councilwoman Thomas. A majority affirmative voice vote was received.

#### AGENDA #9 "PRESENTATION OF ORDINANCES. RESOLUTIONS. ETC."

9-A "Discussion: Vacation of Alley Adjoining 720 E. Butler" The Council was provided with a copy of a letter submitted by Mark Keiffer that was reviewed at the March 10, 2014 Council meeting, a satellite map image of the alley, a copy of a letter with addressees that was sent as notification of the upcoming consideration and an opposition letter from Patricia Thomas of 729 E. Laurel Street.

Mr. Keiffer had made the request to close the alley adjoining 720 E. Butler Street for consideration on March 10, 2014. At that meeting, the topic was tabled for three months to allow more time for the Spillman Trust to sell property located on that block. Mr. Keiffer requested that the topic be placed back on the agenda for June 9, 2014.

Mr. Keiffer requested to read the letter from Patricia Thomas. Mayor Vaughn provided Mr. Keiffer with a copy to review.

Mayor Vaughn asked if there had been any change in status regarding the Spillman property. Regina Mitchell, trustee to the Spillman Trust of 327 N. Mill Street, replied that the property had not yet been settled.

Since the March 10, 2014 meeting, the alley vacation had been a topic of conversation to property owners in the area. Mrs. Mitchell was in possession of a petition signed by nine individuals who were opposed to the alley vacation. The property owners felt that their properties should be accessed from either entrance, which was a selling point when they purchased their homes. Some of the owners planned on building garages adjoining the alley. Mrs. Spillman went further to explain that closure of even a part of the alley would limit access in emergency situations such as fires.

Mr. Keiffer claimed that he had verbal conversations with neighbors and those neighbors told him they would not have a problem with him purchasing the area of the alley he was interested in.

Roger Spillman commented that he has spoken with the owner of 318 N. Sycamore and the gentleman was strongly against the vacation.

Roxanna Behnke, 311 N. Mill, mentioned that she originally had no problem with the vacation however, she had recently spoken with two real estate agencies that told her the property value of her home would decrease if the alley was not open.

Councilwoman Thomas felt that the alley access on the south side may appear larger, but only because of how Mr. Keiffer's driveway was positioned. The Councilwoman also felt that large trucks or trailers would more than likely not be needing access to the alley very often.

Mayor Vaughn explained that historically, when an alley was vacated, the request usually came without opposition. In the case of the alley adjoining 720 E. Butler Street, most of the neighbors were voicing opinions against the request. The Mayor felt that the Council was not in a position to vacate an alley where there was not a plurality of neighbors in favor of the proposal. The request went no further.

9-B “Ordinance: Prevailing Wage” The Council was provided with a proposed ordinance to ascertain the prevailing rate of wages of public works employees of the City of Olney, information received from Richland County regarding oil and chip work, and wages for Richland County as determined by the Illinois Department of Labor. City Manager Taylor explained that State Statute required the City to make determination of prevailing wages in the month of June. The wages would only apply to contractors working on City projects. The ordinance was very similar to the one that Richland County needed to pass.

Councilman Ferguson moved to approve ordinance 2014-18, seconded by Councilman Brown. A majority affirmative voice vote was received.

9-C “Resolution: Accept Bid for Server and Related Equipment for Police Department and City Hall” The Council was provided with a proposed resolution to accept a bid for the Police Department and City Hall server with related equipment and the submitted bid information from Kemper Technology Consulting of Robinson, Illinois.

City Manager Taylor reported that bids were solicited for the server and equipment. One bid was received from Kemper Technology Consulting in an amount of \$23,506.14. Four bid specifications were distributed at the request of certain bidders. Kemper Technology Consulting was the only group to submit a bid.

Mayor Vaughn expressed concern as he had heard from an individual who said that he had submitted a bid. The Mayor did not see the bid included for discussion. The Mayor was also contacted by a second individual who was interested in the work, but was not aware that bidding had begun.

Councilman Brown asked how bids were usually submitted. Mr. Taylor replied that bids were either mailed to City Hall or handed into City Hall. City Clerk Sterchi stated that Kemper Technology Consulting was the only bid that she had received. Bids were solicited for opening scheduled for Thursday, June 5, 2014 at 11:00 a.m.

Mayor Vaughn then asked if any preliminary work had started to bore a hole through the Police Department and City Hall parking lot. Mr. Taylor indicated that no work had yet begun. City crews were prepared to dig the pits and Illinois Gas would then bore.

Mayor Vaughn repeated his concerns with the bidding process. Mr Taylor told the Council that if they wished not to accept the bid, the only other option would be to deny and rebid. Councilman Brown felt that would create an issue as Kemper Technology Consulting’s bid was out to the public so any other submitted bids in the future would take advantage of that information.

Mayor Vaughn requested to revisit the topic once other agenda topics were addressed. At that time he would make a phone call to confirm his information.

9-D “Discussion: Plans for Musgrove Park Multi-Purpose Field Area” City Engineer Charleston reported that City Manager Taylor was in possession of plans that would show the multi purpose field along Silver Street. Mr. Taylor stood and unrolled a few schematics onto the table for the Council to view. The schematics showed a multi purpose field that was scaled to 80% of the size of a standard football field. The field was ready to be built as soon as the Council was ready.

Mr. Charleston added that a storm sewer was already installed. Runoff from the parking lot would drain into the detention basin. At the time of the meeting, no electrical supply was planned to be installed as there seemed to be no need for it. Mayor Vaughn asked if running electrical supply to the area in the future would be an issue. Mr. Charleston indicated there would be no issue.

Councilman Brown asked if the field would be mowed regularly. City Manager Taylor confirmed it would be on a regular mowing schedule like the rest of Musgrove Park. Currently, clover was growing on the location, waiting to be cut and baled. City Engineer Charleston recommended working on the field a bit later in the year once the clover was gone and the ground had firmed. He was hopeful to have the field area completed by August to be seeded by fall. The west dirt pile would be used for the project. Mr. Charleston did not believe that City crews would be able to perform the work.

Councilman McLaughlin, also a member of the Parks and Recreation Board, was not present. Mayor Vaughn saw no issue with the multi purpose field, but wanted to seek the Parks and Recreation Board’s opinion. Councilwoman Thomas, another member of the Parks and Recreation Board, would present the plans to the Board at their next meeting.

Mayor Vaughn moved to begin the bidding process for the creation of the multi purpose field at Musgrove Park, seconded by Councilman Brown. A majority affirmative voice vote was received.

9-E “Resolution: Accept MFT Bids” The Council was provided with a bid tabulation sheet from the MFT bid opening that occurred earlier in the day. City Manager Taylor explained that Mt. Carmel Stabilization Group was the only bidder for the Bituminous Materials HFE 90, Bituminous Materials E-2, Seal Coat AGG CA-16 Crushed Stone, Tilling and CA-7 Crushed Stone at a total of \$202,372.75. City Engineer Charleston’s estimate was \$199,928.82.

Ready Mix Concrete was also sent out for bids. Doll’s, Inc. was the only bidder with a

total cost of \$19,950.00 or \$95.00 per cubic yard. Mr. Taylor was not certain that as much concrete would be used as what was listed.

The Council had appropriated \$276,000 of MFT funds earlier in the year.

Mayor Vaughn asked about the bids from earlier in the year where crushed stone and concrete were bid. City Manager Taylor indicated that those bids were for use of general projects that the City would be working on. If the City desired to use MFT funds for projects, the City would be required to go out for bids separately.

Councilman Ferguson moved to approve the MFT resolution, seconded by Mayor Vaughn. Councilwoman Thomas, Councilmen Brown, Ferguson and Mayor Vaughn voted yes. There were no opposing votes. The motion carried.

9-F “Resolution: Authorize Purchase of Pickup Truck for Water Distribution Department through State Bid and Waive Formal Bidding Procedures” The Council was provided with a proposed resolution for the Water Distribution Department to accept a quote for a pickup truck, and to waive formal bidding procedures. A state bid came in for a 2014 Ford F150 in the amount of \$17,696.00. Tom Umfleet had contacted Eagleson’s Automotive Center, Inc. for a comparable quote. They submitted a quote for a 2014 Chevrolet Silverado 1500 in the amount of \$22,683.00. The department had \$23,000.00 budgeted for the purchase of a pickup truck.

The new pickup truck would replace a 13 year old Dodge model with over 126,000 miles. The old truck would then be proposed for future sale on govdeals.com.

Councilwoman Thomas moved to approve 2014-R-30, seconded by Councilman Brown. A majority affirmative voice vote was received.

9-G “Resolution: Authorize Purchase of Service Truck for Mechanics Department through State Bid and Waive Formal Bidding Procedures” The Council was provided with a proposed resolution for the Mechanics Department to accept a quote for a service truck, and to waive formal bidding procedures. A state bid came in for a 2015 Ford Super Duty F250 in the amount of \$24,720.00. Eagleson’s Automotive Center, Inc. provided a comparable quote for a 2015 Chevrolet Silverado 2500HD in the amount of \$30,088.00. The department had \$35,000.00 budgeted for the purchase of a service truck. The old service truck would be transferred for use in the Water Distribution Department.

Councilman Ferguson moved to approve 2014-R-31, seconded by Mayor Vaughn. A majority affirmative voice vote was received.

9-H “Resolution: Accept Quotation for Sludge Hauling and Waive Formal Bidding Procedures” The Council was provided with a proposed resolution for the Sewer Plant to accept a quote for sludge hauling from Borgic Custom Pumping. Borgic Custom Pumping was used in the prior fiscal year to do some work in removing sludge and applying it to a field.

The quote proposed 1,500,000 gallons at a rate of \$0.0015 per gallon for a total of \$17,250.00. There were also some related expenses in regard to an agitator necessary to stir up the lagoon. A total of \$19,600.00 was quoted for the project. The Sewer Department had \$30,000.00 budgeted for sludge hauling.

Mayor Vaughn asked where the sludge would be hauled to. City Manager Taylor clarified that the sludge would actually be pumped. The sludge would be pumped from the lagoon through flexible pipe where it would then be applied to a field west of the Sewer Plant.

The Mayor then asked if there would be an odor issue. Mr. Taylor did not believe so. The sludge hauling would not be needed again for at least one year.

Councilman Brown moved to approve 2014-R-32, seconded by Councilwoman Thomas. A majority affirmative voice vote was received.

9-I “Ordinance: Amend Chapter 8.20 (Property Nuisances) - Byproducts, Waste, or Scraps From Operation of Business” The Council was provided with a proposed ordinance to amend Chapter 8.20 (Property Nuisances) of the City Code. City Manager Taylor explained that the ordinance added a section that would address issues where there was outside storage of byproducts, waste or scraps from operation of business and deem those as a nuisance or “junk.” Those items would be declared a nuisance if they were not enclosed and were clearly visible to the public. If declared a nuisance, the City Clerk or the Code Enforcement Officer could then serve a notice to the owner and the owner would have 14 days to abate before a citation was issued.

Councilwoman Thomas wondered if the ordinance would include vehicles. Mr. Taylor replied that there was a separate provision for inoperable vehicles, but the proposed ordinance certainly could apply to vehicles.

Mayor Vaughn felt that the type of proposed ordinance should be put to the public for their opinions. While the Mayor did not find the ordinance to be unreasonable, he still felt that he would like to hear the thoughts of those who may be affected by the ordinance.

Councilwoman Thomas then asked how the ordinance would affect junk yards. Mr. Taylor replied that junk yards should be fenced in.

Councilman Brown wanted to know more about the proposed timing. There may be some instances where “junk” was set outside but would not be out for a long period of time, similar to home renovations. The Councilman wanted to clarify that no one would be issued a citation for situations such as home renovations.

He went further to suggest that there could be a time limit that the “junk” would need to be visible for before a notice was sent. Or, he suggested, the 14 day time limit in the language could be extended for those who may be simply working on projects.

City Manager Taylor expressed a concern about extending the time limit for instances where there was a violation that was corrected, then another violation would be reported and then corrected and so on and so forth. Councilwoman Thomas mentioned a business across from McDonald’s that seemed to do that with their items very often.

Mayor Vaughn moved to ask for the public’s input on the proposed ordinance, seconded by Councilman Brown. A majority affirmative voice vote was received.

Mayor Vaughn then moved to take a 10 minute break for the purpose of confirming information regarding the Police Department and City Hall server bids, seconded by Councilman Brown. A majority affirmative voice vote was received. The meeting went into recess at 8:00 p.m.

Councilwoman Thomas moved to come back into open session, seconded by Councilman Ferguson. Open session resumed at 8:12 p.m. to revisit item 9-C.

Mayor Vaughn came back into open session, and explained that he had been in error. The gentleman he had been speaking with was actually interested in providing general services to the City, and had not submitted a bid for the server. The Mayor also received confirmation that the advertisement for bids was published in the Olney Daily Mail.

Councilwoman Thomas moved to approve 2014-R-29, seconded by Councilman Brown. A majority affirmative voice vote was received.

9-J “Discussion: Closing Linn Street Railroad Crossing” The Council was provided with an aerial photo of the Linn Street Railroad Crossing along with some photos submitted by Code Enforcement Officer Mike Mitchell.

City Manager Taylor explained that the City had been approached more than once regarding the potential of closing the Linn Street Railroad Crossing. By agreeing to a voluntary closing, the City would be eligible for \$50,000 of crossing protection funds. The City might also

be eligible for \$7,500 from the Federal Railroad Safety Sources if CSX could match or better the \$7,500. It was Mr. Taylor's understanding that the \$50,000 would need to be put into MFT funds and the \$7,500 would be used for safety purposes. Any monies received from CSX could be used for any purpose.

The issue with the railroad crossing was that it was very high in relation to the surrounding area. There had been issues with trucks attempting to cross and, as a result, becoming stuck on the crossing.

If interested in the closure, the City would need to pass a resolution of intent to close the crossing to be submitted to the Illinois Commerce Commission. The City would then vacate a portion of Linn Street on both sides of the crossing. There would be some small expense to the City for putting in some initial barricades. The closure would be a permanent closure.

Mayor Vaughn reported that the City had been contacted by an entity whose desire was to close crossings that were dangerous. Mr. Taylor clarified that a representative from the Illinois Commerce Commission recommended the closure.

Mayor Vaughn felt as if the suggestion was valid, but could affect businesses or residents. He felt people should be notified so they could have the opportunity to voice concerns. Mayor Vaughn moved to notify affected homeowners to give them the opportunity to come to the Council with their opinions, seconded by Councilman Brown. A majority affirmative voice vote was received.

9-K “Resolution: Authorize Purchase of Backhoe for the Water Distribution Department through State Bid and Waive Formal Bidding Procedures” The Council was provided with a proposed resolution for the Water Distribution Department to accept a quote for a backhoe and to waive formal bidding procedures. City Manager Taylor told the Council that two quotes came in from the state bid. One was for a 2014 John Deere 310SK Backhoe Loader in the amount of \$83,168.00. The other bid was for a Case 580SN 4x4 in the amount of \$86,500.00. Mr. Taylor recommended the 2014 John Deere 310SK Backhoe Loader for purchase. The Department had \$90,000 budgeted for a backhoe. The old backhoe would be transferred to the Sewer Department, and the Sewer Department would “purchase” or reimburse Water Distribution with \$18,000.00.

Mayor Vaughn asked how many backhoes the additional purchase would give the City. City Manager Taylor believed the total would be two. Tyler Kocher, Street Department employee, spoke up from the audience indicating the new backhoe would total three for the City.

Mayor Vaughn moved to approve 2014-R-33, seconded by Councilwoman Thomas.

Mayor Vaughn, Councilwoman Thomas, Councilmen Brown and Ferguson voted yes. There were no opposing votes. The motion carried.

9-L “Appointments to Plan Commission and Library Board” The Council was provided with a sheet of tentative appointments for the Plan Commission and Library Board. Due to some resignations in the Plan Commission, the Council was asked for recommendations. The appointments proposed for the Plan Commission were Dave Abell and Vicki Lobacz. One vacancy would still exist in the Plan Commission. Councilwoman Thomas requested to vote on each appointment. Councilman Ferguson moved to vote on the tentative appointments, seconded by Councilwoman Thomas.

For the appointment of Vicki Lobacz to the Plan Commission, Councilman Brown, Ferguson and Mayor Vaughn voted yes. Councilwoman Thomas voted no. The appointment carried.

For the appointment of Dave Abell to the Plan Commission, Councilwoman Thomas, Councilmen Brown, Ferguson and Mayor Vaughn voted yes. There were no opposing votes. The appointment carried.

Mayor Vaughn noted that the name on the tentative appointments sheet for the Library Board was an error. Instead of Dave Lobacz, the name should have read Jacob Tucker.

Councilmen Brown, Ferguson, Mayor Vaughn and Councilwoman Thomas voted yes. There were no opposing votes. The appointment carried.

#### AGENDA #10 “REPORTS FROM ELECTED AND APPOINTED OFFICIALS”

10-A “City Manager-Status Report” The Council was provided with a Status Report from City Manager Taylor. City Manager Taylor touched on a few bits of the information.

For the Variable Frequency Drives in the Sewer Plant, \$29,250 of funds were received from the State.

The Plan Commission had met on June 2, 2014 for a potential rezoning and a subdivision plat. At the meeting, no action was taken, and the request was tabled until July. The Council should have received the meeting minutes in their mailboxes. Councilman Brown asked if the request would definitely go back to the Plan Commission before coming before the Council. Mr. Taylor replied that if the same request was to be discussed, then the request would go back before the Plan Commission for recommendation. If another property was being sought, presentation to the Plan Commission would be dependent upon the current zoning.

Mr. Taylor then mentioned that the three John Deere mowers that were authorized for sale on govdeals.com closed out of auction with no bids at an asking price of \$3,500. One govdeals.com user expressed interest, but mentioned that the price was too high. Another local individual was interested, but again felt the price was too high. Mr. Taylor suggested attempting the auction again at a lower price.

10-B “Update: Abandoned and/or Dilapidated Properties - Enforcement” City Manager Taylor wanted to update the Council on some issues regarding Code Enforcement. Mike Mitchell had been working on three properties while utilizing the “fast track” procedure. In the next few weeks, Mr. Mitchell would also be making contact with four property owners regarding properties that may be referred to the Council for the passing of a resolution to refer to an attorney to handle dealings with the circuit court in order to demolish.

Before adjourning into closed session, City Engineer Charleston updated the Council that bids for the Holly Road construction would be advertised and opened by the next Council meeting.

AGENDA #11 “CLOSED SESSION: SALE PRICE OF REAL PROPERTY, APPOINTMENT, EMPLOYMENT AND PERFORMANCE OF SPECIFIC EMPLOYEES, AND COLLECTIVE NEGOTIATING MATTERS” Councilwoman Thomas moved to adjourn to closed session to discuss the sale price of real property, appointment, employment and compensation of specific employees, and collective negotiating matters, seconded by Mayor Vaughn. A majority affirmative voice vote was received.

Councilmen Brown, Ferguson, Councilwoman Thomas, Mayor Vaughn, City Manager Taylor, City Treasurer Sanders and City Clerk Sterchi left the Council Chambers at 8:27 p.m.

AGENDA #12 “RECONVENE OPEN SESSION” Upon the return of those who were in closed session to the Council Chambers, Councilwoman Thomas moved to enter back into open session, seconded by Mayor Vaughn. A majority affirmative voice vote was received. Open session resumed at 10:13 p.m.

12-A “Resolution: Approve Side Agreement with IAFF” This item was removed from the agenda.

12-B “Ordinance: Establishing Salary of Full Time Employee” This item was removed from the agenda.

12-C “Resolution: Approve Agreement Regarding Employment of Street Supervisor” This item was removed from the agenda.

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

The meeting of the City Council adjourned at 10:15 p.m.

Kelsie J. Sterchi  
City Clerk