

CITY OF OLNEY  
CITY COUNCIL MEETING  
AUGUST 13, 2012

AGENDA #1 “CALL TO ORDER” The August 13, 2012 meeting of the Olney City Council was called to order at 7:30 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. Larry Weber led the group in a prayer.

AGENDA #3 “ROLL CALL” The following Council members were present: Barb Thomas, Gary Foster, Brad Brown, Bob Ferguson and Mark Lambird. Also present were City Manager Larry Taylor, City Treasurer Chuck Sanders, City Engineer Roger Charleston and City Clerk Belinda Henton.

AGENDA #4 “PRESENTATION OF CONSENT AGENDA”

4-A Approve Minutes of Council Meeting on July 23, 2012

4-B Approve and Authorize Payment of Accounts Payable August 14, 2012-Pooled Cash \$146,545.94, Pooled Cash Manuals \$131,104.85, Water Deposit Refunds \$1,858.51, Motor Fuel Tax Fund \$13,263.47, Revolving Loan Fund \$19,757.03, Levied Insurance Fund \$3,534.73 and Tourism \$4,676.27.

4-C Raffle License-St. Joseph Church

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

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

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

AGENDA #8 “PUBLIC COMMENTS/PRESENTATIONS”

8-A “Special Event Discussion” Brian O’Neill appeared before the Council wearing a yellow wig, mask, t-shirt and vinyl briefs. He stated he could take his shirt off and no one could do anything about it. He intends to put on a real talent show which will be the biggest money making thing in this community. He talked about injustices against him during the Richland County Fair talent show. Mr. Jennings and the County will have a lawsuit against them for violating his rights.

Mike Bauman asked if the Council has ever considered a dress code for the Council meetings. Mr. O’Neill interrupted Mr. Bauman and Mr. Bauman said, “I am not talking to you

squirrel.” Mayor Lambird suspects this matter will be discussed. Mr. Bauman stated Mr. O’Neill’s clothing was highly inappropriate.

8-B “Women’s Softball League” Ed Cline and two representatives from women’s softball addressed the Council concerning the use of diamonds next fall.

Kelly Holton explained a new women’s softball league is now being formed with plans to start playing August 2013. They had questions about insurance. Mayor Lambird suggested setting up a meeting with Mr. Taylor.

Councilman Ferguson questioned what size of diamond would be needed. Ms. Holton replied the smallest diamonds would be fine. They hope to form five to six teams.

Councilman Foster asked if the Olney teams would play against other communities or among themselves. Ms. Holton replied the teams would play among themselves. The league will be for 18 years and older.

Councilman Brown believed there is plenty of room for the league.

Mr. Taylor asked the representatives from the women’s league to call City Hall to set up an appointment with him.

Mr. Cline asked if someone would be allowed to run the scoreboard for the fast pitch softball league. The Council saw no problems with that.

#### AGENDA #9 “PRESENTATION OF ORDINANCES, RESOLUTIONS, ETC.”

9-A “Presentation: Electric Aggregation” Javier Barrios, representing Good Energy, discussed the services his company offers municipalities during electric aggregation. Good Energy serves 19 states. They are consultants/aggregators not a supplier of energy. They are also the largest municipal opt-out buying group. During their first round of aggregation, 2.1 billion kWh were put out to bid for 215,000 households. Aggregation causes no liability nor risk to the City .

Councilman Foster asked the likelihood of the City combining with other municipalities to get a better rate. Mr. Barrios explained that is what Good Energy does, they create a buying group. The second round is expected to include approximately 150,000 households.

Councilman Foster questioned if a customer has already signed up for a reduced rate with another company, will they be charged a penalty if they terminate their agreement and join the City’s group. Mr. Barrios explained Good Energy is willing to look at agreements to determine if there are penalties. Good Energy will not require anyone to terminate their agreements.

If the City decides to choose Good Energy as the aggregation consultant, during the period between September and November they will educate the residents and small commercial retail

businesses on the municipal electric opt-out aggregation program. Education will include sending out postcards explaining the ballot question and potential savings. They will also purchase radio spots, newspaper advertisements and articles, newsletters and possibility billboards. The City does not pay for any of the advertising. They will also have a post referendum campaign. Good Energy will also write the plan of operation and governance, attend public hearings, manage the bid process with alternative retail electric supplies, including preparation of request for proposal and all pricing negotiations, coordinate transitioning of residents with municipality, supplier and utility, monitor alternative supplier and utility performance and report on ongoing savings.

Councilwoman Thomas asked if a customer originally opts-out of the program, can they opt-in at a later date. Mr. Barrios answered customers can option-in at any time if the City is willing.

Councilman Foster questioned the fee Good Energy charges for the aggregation services. Mr. Barrios explained the fee is fully disclosed and is approximately 1/10 of a cent per kWh.

9-B “Discussion: Payment of Sand for White Squirrel Saddle Club Arena” During the last two meetings the Council discussed whether to pay for sand which was put in the White Squirrel Saddle Club arena. Mr. Taylor questioned if the Council wanted to authorize the payment of \$952.65 to Jim Urfer for sand.

Councilman Brown moved to pay for the sand out of contingencies, seconded by Councilman Ferguson. Councilman Foster and Councilwoman Thomas voted no. Councilmen Brown, Ferguson and Mayor Lambird voted yes. The motion carried. Resolution 2012-R-58 will be prepared.

9-C “Ordinance: Vacation of North/South Alley Between Chestnut and Elm Requested by St. Joseph Catholic Church” A letter was received from St. Joseph Catholic Church requesting the vacation of the south half of the north/south alley north of Elm Street between Elliott Street and Richland Street. The Council was provided with a proposed ordinance that actually closes two different alleys; the south half of the north/south alley and an east/west alley which was originally closed in 1952, but never recorded. A utility easement is being reserved for the north/south alley.

Councilman Foster questioned St. Joseph’s plans for the alley. He expressed a concern with fire access. He suggested tabling this matter until St. Joseph’s intentions for the alley are known. He also suggested consulting the Fire Chief.

9-D “Ordinance: Authorizing Disposal of Personal Property” The Council was provided with a proposed ordinance which will officially authorize the disposal of former Detective Larry Knowlton’s service revolver by giving it to him upon his retirement.

Councilman Foster moved to pass Ordinance 2012-39, seconded by Councilman Ferguson. A majority voice vote was received.

9-E “Presentation: MFT Audit Report No. 73” Mr. Sanders explained the 2011 audit report has been received from the Illinois Department of Transportation. Everything is in order. No action is required except the audit needs to be presented to the Council and filed.

Councilman Ferguson moved to approve the 2011 MFT audit report No. 73, seconded by Councilman Brown. A majority voice vote was received.

9-F “Appointment to Airport Authority Board” Mayor Lambird recommended reappointing Paul Wirth to the Airport Authority Board.

Councilman Brown moved to approve the reappointment of Paul Wirth to the Airport Authority Board, seconded by Councilwoman Thomas. A majority voice vote was received.

9-G “Ordinance: Authorizing Boat Dock Lease for Lakeside RV” Jerry Cravatta from Lakeside RV has requested to replace his boat dock at the East Fork Lake dam. Lakeside RV currently has a 20-year lease which will expire in 2018. The proposed boat dock is larger than the current dock. The original boat dock exceeded the authorized size when installed in 1980. The City ordinance limits the size of any boat dock to 375 square feet. It also is not to extend more than 25 feet from the shoreline. The original boat dock was approximately 479 square feet and 36 feet from the shoreline. According to the drawing provided by Mr. Cravata, the new dock will have an extra leg. Each leg is a little wider and 4 feet longer. The total area will be approximately 720 square feet.

By approving the proposed lease, the Council would be approving an exception to the boat dock size limit.

Councilman Foster commented this boat dock gives Mr. Cravatta’s business special use to access the lake for \$1 per year.

Councilman Brown asked if the new structure would cause any trouble because of its increased size. Mr. Taylor knew of none.

Councilwoman Thomas commented the existing dock needs to be replaced.

Councilwoman Thomas moved to approve the Lakeside RV lease, seconded by Councilman Brown.

Councilman Ferguson asked if the lease requires annexation. Mr. Taylor answered no.

Councilman Foster commented the dock is a huge benefit to this business, but the City is not benefitting at all. He has nothing against the campground, but he thought they should annex so they could be paying for a part of what they are benefitting from. The purpose of annexing the lake is the possibility of annexing other areas around the lake. Councilman Foster believed Lakeside RV will benefit from this lease, and the City will be missing out if they do not require

them to annex. Councilman Brown commented Councilman Foster had a good point and maybe this should be discussed.

Councilwoman Thomas moved to table the motion, seconded by Councilman Brown. A majority voice vote was received.

Zac Holder told the Council he thought the residents near the lake should be allowed to have input concerning the annexation of the lake. There would be many questions the residents would like to know about in advance.

The Council directed Mr. Taylor to talk to Mr. Cravatta about annexation.

Mayor Lambird questioned if Mr. Taylor should speak to Mr. Cravata about running utilities to that location. Councilman Foster did not believe it was very likely that utilities would be provided. Mayor Lambird stated if the City cannot provide utilities to areas that are going to be annexed, he did not see that they are receiving the full services of the City. He did not know if that was fair to anyone involved.

9-H “Resolution: Accept Quote for Pacific Cycle Roof Repair” The Council was provided with a proposed resolution to accept a quote from ACI Commercial Roofers from Olney for a roofing system at Pacific Cycle for a roofing system similar to what was installed on other areas in the amount of \$144,713 for approximately 37,510 square feet. The area to be completed is the west high bay area. There is \$150,000 budgeted for this project. Based on previous projects, the quote appears to be reasonable and in line with previous projects. Once this project is completed, all the flat roofs will be completed, only the gabled portion over warehousing will be left.

Councilman Brown asked if the warehousing portion will need to be budgeted next year. Mr. Taylor did not believe it has to be done next year, but sometime in the near future.

Councilman Ferguson asked Mr. Charleston if this ventilated roofing system has performed well. Mr. Charleston commented it has been inspected and is performing well.

Councilman Foster moved to approve Resolution 2012-R-59, seconded by Councilman Ferguson. A majority voice vote was received.

9-I “Annexation of West Portion of East Fork Lake & Adjoining City Property” The Council was provided with a plat prepared by Mr. Charleston that accurately portrays the properties owned by the City including the lake itself and the adjoining properties such as Bird Haven, firing range, spillway, Rotary Park, boat launch area and the 20 acres on Holy Road. This annexation plat does not include any properties not owned by the City. Mr. Taylor asked the Council to review the plat and determine if they want to proceed with the actual annexation. If the Council decides to proceed, further verification for accuracy will be completed, notices will be prepared, and the legal description will be prepared.

Mr. Taylor explained by annexing the areas indicated on the proposed plat, the City will acquire jurisdiction over additional roads.

Councilman Ferguson question how much more road will be added. Mr. Taylor believed it would be close to two miles. Portions of Millers Grove Road, Silver Road, Holly Road and Branchwood Lane would be included.

Councilman Brown questioned if there were pending problems on any of these roads. To Mr. Taylor's knowledge there are no major problems, but work does need to be done on some of the roads.

Councilman Foster requested an assessment of the road conditions before a decision on annexation is made.

Councilman Brown commented the basic idea of annexing City property is good, but there might be limits. He believes the Council is moving in the right direction.

Councilman Foster questioned whether an annexation will be as much of a benefit as the liability the City will start incurring with the additional road maintenance. He was not convinced annexation is the way to go. He believed it would be years before any of the residential areas would ever want to annex. He would like to evaluate the cost of maintenance.

Councilman Ferguson questioned the immediate benefits to annexation. Mr. Taylor commented there are none unless there are individuals that want to annex and the Council wants to assume additional responsibility for zoning and subdivision control.

Councilman Ferguson questioned the impact for police patrol. Mr. Taylor commented the Police would have jurisdiction over additional roads. They already have jurisdiction over City property.

Councilman Ferguson pointed out there is 15.45 acres that would become surrounded if the lake were annexed. Mr. Taylor verified Goose Point and the East Fork Campground would be the only properties surrounded.

Mike Bauman is one of three property owners that would be affected by the proposed annexation. The annexation offers no advantages to him. He has a private road, water system and sewer system that he maintains. The only thing he will get out of the annexation is a 25% property tax increase and maybe some snow plowing when it snows. He did not believe annexation will increase the value of the 20 acres on Holly Road that the City is in the process of selling.

Linda Stanley, Goose Point Lane, does not want to live in the city limits or she would have stayed on Mary Lane. She pointed out there are several cons to annexation such as additional road maintenance, the gun range would be rendered unuseable because you cannot shoot firearms within city limits and there would be a phenomenal expense to relocate the range. She

also understood livestock is not allowed in city limits and the horse arena would be in city limits. There would also be no duck or goose hunting allowed on the lake. The saddle club campground would have to be approved if it were inside city limits. She was not sure annexation would be worth considering. None of the three property owners within the 15 acres want to be annexed.

Zac Holder, N. Silver Road, commented annexation would impose a lot on the people that live around the dam. The residences in this area say it is close enough to town without being in town, but they can enjoy the benefits. The geographic location does not jive with the rest of the town.

Councilman Brown clarified if the annexation were approved, it would not add anything to the city limits that is not city owned. Mr. Taylor agreed. The proposed annexation alone would not annex Goose Point or any other area, but Goose Point would be surrounded and it would not take much for it to be annexed if the Council wished to do so.

Mrs. Miller commented the annexation would open up the possibility of annexing Goose Point where now it is not a possibility. She appreciated Mayor Lambird's comments that if the City cannot offer City services it does not seem fair to annex.

Mayor Lambird explained getting water and sewer service to Goose Point would be very expensive, and he did not agree with annexing people into the city that cannot be provided with full services, but he thinks that annexing the lake and properties that belong to the City is important especially when it comes to new development. There is nothing the people of Goose Point can do to stop annexation if the Council decides to proceed. He thought that it is unfortunate because services will not be offered to these residents like the rest of the City receives, but he was not sure it was responsible to the citizens of Olney to have the ability to annex the lake after spending the money that has been spent on annexation and walk away from the annexation.

Mr. Taylor commented before initiating any formal process, the Council needs to come to a consensus on what should be pursued. To address the concerns of property owners that will be surrounded as a result of the annexation, Mr. Taylor commented one possibility is an annexation agreement could be created between the City and the property owners that annexation would not occur before a certain date or when water or sewer service is provided. Annexation agreements can be good for 20 years.

Councilman Foster was of the opinion if the City cannot provide water, sewer, road maintenance, and police protection there is no need to annex, but he also pointed out areas around the lake are taking advantage of the city lake without paying any taxes to the City.

Zac Holder commented Lakeside RV sells city boat licenses and fishing licenses so they are not a complete parasite to the City. Councilman Foster replied he did not say they were a parasite. It was Mr. Holder's opinion that Lakeside RV brings in some revenue into the City.

9-J “Resolution: Amend Budget for Street Department Equipment Needs” The Council was provided with a memo from Street Supervisor Martin Nuss regarding some equipment he would like to purchase using excess funds from previously purchased equipment. He wanted to purchase a safety strobe light for Unit 612 for \$400, running boards for Unit 612 for \$260, a Protech 12' snow box for the loader for \$3,200 and a vibratory plate packer for \$15,000. The balance of the funds would go to retrofitting a dump truck for leaf pick up and chipping which would cost approximately \$2,340. The Council was provided with a proposed resolution reflecting these amendments. Mr. Taylor believed these purchases would be useful. Currently, Unit 612 is being used by Mr. Nuss, but it can be used as a salt spreader.

Councilman Brown moved to approve Resolution 2012-R-60, seconded by Councilman Foster. Councilmen Brown, Ferguson, Mayor Lambird, Councilwoman Thomas and Councilman Foster voted yes. There were no opposing votes.

9-K “Ordinance Amend City Code: \$1.00/100 Gallon Rate for Water Salesmen” When the new water salesmen machines were purchased, the Council discussed increasing the cost of water. One new water salesman has been installed at the City Park, and the other will be installed in the near future at Bower Park. The proposed ordinance raises the price of water to \$1.00 per 100 gallons. The new machines take dollar bills and quarters. It has been several years since water rates were increased for the water salesmen machines.

Councilman Ferguson moved to pass Ordinance 2012-40, seconded by Councilman Brown. A majority voice vote was received.

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

10-A “City Manager - Status Report” Mr. Taylor reported the Council has discussed restaurant inspections several times in the past. He has been in discussions with Clay County and they are interested in providing this service to the City, but they have some questions which Mr. Taylor will be addressing. Mr. Taylor asked the Council to forward him any questions they may have concerning inspections. In the near future a meeting will be scheduled to discuss food inspections and the scope of inspections.

Councilman Brown suggested keeping the inspections as basic a possible, as least in the beginning. Mr. Taylor needs to know the Council’s expectations.

Mr. Taylor reported hours have been established at the brush dump on Monday through Friday from 10:00 a.m. until 2:30 p.m. During these hours the brush dump is being staffed. He is trying to schedule at least some hours on Saturdays using a part-time employee.

Councilman Ferguson questioned if Mr. Taylor intends to have the brush dump manned even after the burning ban is lifted. It was Mr. Taylor’s hope to continue to staff this area to control fires and what is being dumped.

Street Supervisor Marty Nuss has been in contact with a company that makes an asphalt zipper which pulverizes the road surface in preparation for resurfacing. Mr. Taylor provided the

Council with a promotional brochure and compact disc about this piece of equipment. Mr. Nuss has made arrangements to have this equipment demonstrated on August 16 at 8:00 a.m. on Willow Drive near East Street.

Mr. Taylor noted a problem in Musgrove Park with vehicles driving on the grass and exiting on East Street. Consideration needs to be given to stop this practice or extend Florence to East Street. Councilman Foster suggested concrete barriers. Councilman Ferguson suggested fencing in the pool staff parking lot. Councilman Brown commented that this practice shows a need for additional parking because they are driving where they want to park. Councilman Foster suggested extending the road east and then north to the skateboard/playground parking lot so vehicles could exit on Mack Avenue. The Council requested that Mr. Taylor investigate this matter further and provide them with suggestions to remedy the problem.

For quite some time consideration has been given to eliminate the pumping station on Elm Street and the North Avenue pumping station would be replaced and relocated from under the street and into the right of way. Both pumping stations are old and within two blocks of each other. At one time application was made for a grant and permit. Also, Paul Muhs was told to apply for a low interest loan from IEPA. The estimated cost of that project was \$556,000. There would be a cost savings if the two pumping stations were combined. Mr. Taylor questioned if the Council is interested in pursuing a low interest loan for this project.

Councilman Ferguson questioned the interest rate. Mr. Charleston replied the rate used to be about 2 or 2 ½%, but now interest is based on bonds.

Councilman Foster questioned if the Sewer Fund could afford to make loan payments. Mr. Taylor commented the expenses and revenues would have to be evaluated and justified. EPA would make sure the current rate structures could support loan payments or rates would have to be increased. Councilman Foster believed an IEPA loan would be worth pursuing.

Councilman Ferguson requested a diagram of the proposal, break down on cost estimates, impact on the budget and how it will be funded.

10-B "Councilman Foster - Garage Sale Signs" Councilman Foster has been contacted by citizens who are upset about garage sale signs being left up. There is already an ordinance concerning garage sale signs. He would like to see stepped up enforcement. He suggested issuing citations if needed. Councilman Brown suggested publicizing the specifics of the garage sale sign ordinance.

10-C "Councilman Foster - Pet Waste" Some people think the City Council has better things to do than talk about dog crap in yards, but there are people that are concerned about this matter and have pointed it out to Councilman Foster. He feels obligated to bring it to the attention of the Council. He believes it is a health issue. People need to have the courtesy to clean up after their pets. He questioned the opinion of the rest of the Council. Some communities have ordinances requiring pet waste clean up. Mr. Taylor indicated the City does not have an ordinance that is directly related to this matter.

Councilman Thomas believed something needs to be done, but questioned how this could be addressed. Councilman Foster suggested publicizing that this issue is being discussed and maybe citizens will voluntarily start cleaning up after their pets.

Councilman Ferguson reported that speed limit signs on N. Linn Street are missing again.

Councilman Ferguson questioned what the other Council members thought about having someone come and report on how joint dispatch is working. Mr. Taylor will be getting some information to the Council concerning this issue.

AGENDA #11. “CLOSED SESSION: APPOINTMENT AND EMPLOYMENT OF SPECIFIC EMPLOYEES AND SALE PRICE OF REAL PROPERTY” Councilman Foster moved to adjourn to closed session to discuss the appointment and employment of specific employees and sale price of real property, seconded by Councilwoman Thomas. A majority voice vote was received.

Councilmen Foster, Brown, Ferguson, Councilwoman Thomas, Mayor Lambird, City Manager Taylor, City Treasurer Sanders and City Clerk Henton left the Council Chambers at 9:18 p.m.

AGENDA #12. “RECONVENE OPEN SESSION” Upon the return of those who were in closed session to the Council Chambers, Councilman Foster moved to enter back into open session, seconded by Councilman Brown. A majority voice vote was received. Open session resumed at 10:52 p.m.

AGENDA #13. “ACTION ON CLOSED SESSION” No action was taken as a result of the closed session.

AGENDA #14 “ADJOURN” Councilman Foster moved to adjourn, seconded by Councilman Brown. A majority voice vote was received.

The meeting of the City Council adjourned at 10:53 p.m.

Belinda C. Henton  
City Clerk