

**CITY OF OLNEY
CITY COUNCIL MEETING
AUGUST 27, 2012**

1. Call to Order - The August 27, 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.

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.

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 Deputy City Clerk Cindy Harlan.

4. Presentation of Consent Agenda

4-A Approve Minutes of Council Meeting on August 13, 2012

4-B Approve and Authorize Payment of Accounts Payable August 28, 2012

4-C Raffle License - Eagles (2)

4-D Raffle License - Richland County Homemakers Education Association

5. Removal of Items from Consent Agenda - There were no items removed from the consent agenda.

6. Consideration of Consent Agenda - Councilman Brown moved to approve the consent agenda as presented, seconded by Councilman Foster. The consent agenda was approved by a majority voice vote.

7. Consideration of Items Removed From Consent Agenda - There were no items removed from the consent agenda.

8. Public Comments/Presentations - Brian James O'Neill II advised the Council his rights were violated in a public parking lot.

9. Presentation of Ordinances, Resolutions, Etc.

9-A Presentation: 2011-2012 Audit - Ryan Hawkins, a representative of Kemper CPA Group, presented the findings of the 2011-2012 fiscal year audit. A copy of the audit was provided to the Council members in their packets, as well as the findings and recommendation letters which have been discussed with City Manager Taylor, City Treasurer Chuck Sanders and Peggy Eimer. The City of Olney received a clean audit report for fiscal year 2011-2012. Mr. Hawkins reviewed the Statement of Net Assets on page 6, the Statement of Activities on page 7, the Balance Sheet on page 8, and the Income Statement on page 9, The General Fund did have excess expenses over revenue due to the Musgrove Park Sports Complex project, the street sweeper, the Pacific Cycle roof project and various other purchases made throughout the year.

The Water Fund had an operating loss of almost \$71,000 due to the depreciation of equipment. Total net assets in both the Water and Sewer Funds are positive. The charges for the services are covering the operating funds. The pension trust funds were briefly discussed.

Councilman Ferguson moved to accept the audit as presented, seconded by Councilwoman Thomas. The audit was approved by a majority voice vote.

9-B Ordinance: Vacation of North/South and East/West Alleys between Chestnut and Elm requested by St. Joseph Catholic Church - An ordinance to vacate the north/south and east/west alleys between Chestnut and Elm Streets as requested by St. Joseph Catholic Church was presented at the last Council meeting. At that time there was a question on the intent of the church with respect to the alley. Since then, another letter was received from the church stating the alley closure is for student safety and that access would be available for emergency personnel. Fire Chief Holmes met with representatives of the church and school and has no problems with the request. One change was made to the ordinance to reserve a permanent easement in the east/west alley for public utilities.

Councilman Foster moved to approve Ordinance No. 2012-41, seconded by Councilman Ferguson. Councilmen Brown, Ferguson, Councilwoman Thomas and Councilman Foster voted yes. Mayor Lambird abstained. The motion carried.

9-C Ordinance: Authorize Service Agreement for Electric Aggregation - An ordinance was presented to authorize a Services Agreement with Good Energy to act as the City's electric supply consultant and broker between now and the referendum in November, as well as various activities after the referendum assuming it is approved. Good Energy's fee is included in the amount that would be paid by the customers. Customers are typically seeing a savings as much as 35% to 38% on the electric supply portion of their bill.

Councilman Foster moved to approve Ordinance No. 2012-42, seconded by Councilwoman Thomas. Councilman Ferguson, Mayor Lambird, Councilwoman Thomas, Councilmen Foster and Brown voted yes. The motion carried.

9-D Ordinance: Sale of Personal Property-Recycle Misc. Scrap Metal - An ordinance to authorize the sale of miscellaneous scrap metal at Scrap Daddy, Inc., was presented for approval. There was not an estimate available of the weight of the scrap metal to be recycled. Councilman Foster expressed concern that the price per ton is down now compared to what it was in the spring. Mr. Taylor will consult with the owner of Scrap Daddy who is familiar with the trends of the market.

Councilman Brown moved to approve Ordinance No. 2012-43, seconded by Councilman Ferguson. The ordinance was approved by a majority voice vote.

9-E Ordinance: Sale of Personal Property-John Deere Mower-GovDeals.com - An ordinance to authorize the sale of a John Deere Mower through GovDeals.com with a minimum bid requirement of \$50 was presented for approval. If the mower does not sell, the ordinance

authorizes recycling the mower at Scrap Daddy, Inc.

Councilman Brown moved to approve Ordinance 2012-44, seconded by Councilwoman Thomas. The ordinance was approved by a majority voice vote.

9-F Ordinance: Regulate Parking at 1700 E. Main St. - A request was received from Kevin Sager, who owns property at 1700 E. Main St., requesting that the City enter into an agreement with him to regulate parking at that location during the hours in which he is not open for business which is 5:00 p.m. to 8:00 a.m. and all day on Saturday and Sunday.

Councilman Brown moved to approve Ordinance No. 2012-45, seconded by Councilman Ferguson. The ordinance was approved by a majority voice vote.

9-G Ordinance: Authorize Boat Dock Lease for Lakeside RV - An ordinance authorizing the lease of City-owned property at the East Fork Lake Dam was presented during the last Council meeting. This lease is similar to the one currently in effect which has another six years until it expires. The proposed lease is for 20 years. The only difference in the proposed new lease is a difference in the size of the boat dock permitted to be expanded as shown on the drawing on the back page of the lease.

Jerry Cravatta was in attendance at the meeting and stated that he does not rent boats to the public. Users of the lake are allowed to use his boat dock when purchasing bait, etc. Mr. Cravatta confirmed that he is not interested in annexing his property.

Councilman Brown moved to approve Ordinance No. 2012-46, seconded by Councilwoman Thomas. Councilmen Brown, Ferguson, Mayor Lambird, Councilwoman Thomas and Councilman Foster voted yes. There were no opposing votes. The motion carried.

9-H Discussion: Annexation of West Portion of East Fork Lake & Adjoining City Property - At the last meeting, the Council discussed annexing East Fork Lake and the City-owned property around East Fork Lake which includes Rotary Park, 20 acres on the north end, the firing range area, the spillway, Miller's Grove, and Bird Haven on both sides of the lake.

The roads affected would be East Street from the southwest corner of Miller's Grove that turns into Miller's Grove Lane, from Silver and Miller's Grove Lane north over the spillway and the emergency overflow at the sailboat launch area and it stops as the road curves north to Golf Lane. Currently, the City owns the dam, but the right of way for the road was conveyed to the Township. Also affected is a section of Holly Road where the City of Olney property is located in Section 24, a couple of sections of road where the lake property crosses over, and E. Branch Wood Lane. There are about 2 miles of road the City would take over maintenance for if the property is annexed as proposed, including snow removal. At this time the roads are in fairly good condition. But, in the future they would need to be oiled and chipped for preservation purposes.

Councilwoman Thomas stated quite a bit of money has been spent thus far in the preparation of this plat and proceeding with annexation. However, she doesn't feel comfortable with

annexing this property because at this point there is nothing the City gains except expenses. She would prefer the City Council take care of the City's existing infrastructure.

Councilman Ferguson believes the expense thus far is not wasted. It is obvious the City is growing in that direction, but he would personally like to see infrastructure developed before annexation.

Councilman Foster feels the same way. He doesn't think it is worth it to the City to take on extra expenses. It appears that EJ Water is planning on running water to the north side of East Fork Lake as well as the Borah Lake area. The existing residences have septic systems that meet the code. Really, there is no benefit to the property owners to annex to the City. The City spent a lot of money building the lake and collects no revenue from the people living on the lake. He feels there should be some way the City could gain some funds from those people living on the lake, but doesn't know how to do that if the properties are not annexed. The property owners do not want a 28% increase in property taxes without getting some benefits from the City.

Councilman Brown is in favor of annexing City-owned property in that general direction. If now is not the time to annex, he feels the work that City Manager Taylor and City Engineer Charleston have done will be used in the future.

It was the consensus of the Council members not to pursue the annexation of the west end of East Fork Lake and the adjoining City-owned property at this time.

9-I Ordinance: Prohibit the Burning of Leaves - Recently the City Council approved the purchase of a vacuum to pick up leaves. In the past there has been quite a bit of discussion concerning prohibiting the burning of leaves or restricting the hours for burning leaves. The proposed ordinance eliminates Paragraph B of Section 8.08.070 (Open Burning) which, if adopted, would prohibit burning leaves within the City limits.

Councilman Foster believes the City should move forward with prohibiting the burning of leaves. It has been discussed for several years and now a leaf vac has been purchased and work is being done on the truck that will be collecting the leaves funneled through the vacuum. Plans need to be made on which sections of town will have leaves picked up on what day. The burning of leaves infringes on a neighbor's right to have their windows open, put laundry on the line, and negatively affects those who have asthma and COPD.

Councilwoman Thomas believes it is time to settle the issue of burning leaves. There are some who will not be happy if they can't burn leaves and they do not think the City will be able to provide the necessary pick up services. However, Mrs. Thomas believes the City will be able to provide the leaf pick up services.

City Manager Taylor stated it is his intention not to burn leaves at the brush dump. There are other alternatives available for the disposal of the leaves. The brush dump will only be used for brush, limbs, etc. Wood chips are also not being taken to the brush dump.

Mr. Taylor also advised that the City is working towards having the brush dump open on a

couple of Saturdays per month for at least four to six hours. There is at least one part-time individual who has expressed an interest in manning the brush dump on Saturdays.

Councilman Ferguson expressed concern for the employees' safety when picking up leaves at residences along the highway. He believes it would be best for the leaves to be placed near a driveway. It was suggested that the City employees be flexible and work with the residents on leaf pick up.

At this point, the leaf pick is being offered at no charge.

Councilman Brown expressed concern about the City being ready for the leaf pick up program this fall and wondered if banning the burning of leaves before the first pick up was a good idea. Councilman Ferguson suggested allowing burning leaves this fall and implement no burning of leaves in January.

Councilman Foster has had various persons call him to say they do not favor the burn ban on leaves, however, he does not feel the City residents should have to put up with smoke. People like to have their windows open and enjoy clean air.

Councilman Foster moved to approve Ordinance No. 2012-47, seconded by Councilwoman Thomas. Mayor Lambird, Councilwoman Thomas and Councilman Foster voted yes. Councilmen Ferguson and Brown voted no. The motion carried.

The ordinance will take effect ten days after its passage.

9-J Request: Donation of \$200 for Wreath for Tomb of Unknown Soldier - A letter was received from the East Richland High School JROTC requesting the City contribute \$200 to purchase a wreath for the tomb of the unknown soldier. A dedication ceremony will be held on September 5, 2012.

Councilman Foster moved to purchase the wreath from the public relations line item, seconded by Councilman Brown. A majority voice vote was received.

10. Reports from Elected and Appointed Officials

10-A City Manager - Status Report - The project at the City Park involving improving the creek with a retaining wall will start after Labor Day to avoid conflict with the work occurring on the tennis courts.

The oil and chip program scheduled for this week has been postponed due to equipment issues. The rescheduled date will be confirmed later.

The installation of the concrete cloth on the slopes of the Boone Street c-channel will occur on September 5 and 6, 2012. The vendor of the material will have a representative in attendance. Other municipalities in the area will be invited to watch the installation process.

The Monroe Street water main project has started.

The auction for the 20 acres located on Holly Road is September 6, 2012 at 4:00 p.m. at City Hall. The bid notice indicates that the land is subject to annexation. That can still be included as a condition of the sale.

There has been positive feedback received about the new water salesmen installed at City Park and Bower Park.

Councilman Foster expressed concern about the condition of the Bird Haven area and requested that the Council members take a look at this area. He suggested that maybe this winter the brush could be cleared out and saplings removed. An Eagle Scout worked in this area at one time, but it has been neglected since then.

The level of East Fork Lake is about 24" down. At this time, there are no concerns about the level of the lake.

11. Closed Session: Sale Price of Real Property and Appointment and Employment of Specific Employees - Councilman Foster moved to adjourn to closed session to discuss the sale price of real property and the appointment and employment of specific employees, seconded by Councilman Brown. A majority voice vote was received.

Councilmen Foster, Brown, Ferguson, Councilwoman Thomas, Mayor Lambird, City Manager Taylor, City Treasurer Sanders and Deputy City Clerk Harlan left the Council Chambers at 8:28 p.m.

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 Councilman Brown. A majority voice vote was received. Open session resumed at 9:07 p.m.

13. Action on Closed Session

13-A Ordinance: Authorize Execution of Warranty Deed & Development Agreement - Councilman Ferguson moved to approve Ordinance 2012-48 authorizing the execution of a Warranty Deed and Development Agreement with Runyon Oil Tools, Inc., seconded by Councilman Brown. Councilmen Brown, Ferguson, Mayor Lambird, Councilwoman Thomas and Councilman Foster voted yes. There were no opposing votes. The motion carried.

13-B Ordinance: Authorize Execution of Warranty Deed and Agreement - Councilman Foster moved to approve Ordinance 2012-49 authorizing the execution of a Warranty Deed and Agreement with Mary Jo McKinney as Trustee of the Mary Jo McKinney Trust, seconded by Councilwoman Thomas. Councilman Ferguson, Mayor Lambird, Councilwoman Thomas, Councilmen Foster and Brown voted yes. There were no opposing votes. The motion carried.

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 9:08 p.m.

Cindy L. Harlan
Deputy City Clerk