

CITY OF OLNEY
CITY COUNCIL MEETING
DECEMBER 10, 2012

AGENDA #1 “CALL TO ORDER” The December 10, 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. Steve Wingert 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 November 26, 2012

4-B Approve and Authorize Payment of Accounts Payable December 11, 2012-Pooled Cash \$100,233.70, Manual Pooled Cash \$147,103.61, Water Deposit Refunds \$1,545.07, Project Fund \$144,713.00, Motor Fuel Tax \$20,090.44, Revolving Loan Fund \$237,170.35 and Christmas Light Display \$5,450.48

4-C Raffle Licenses-Eagles 2549

4-D Raffle License-IWA Productions

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 Councilman Foster. 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 for items removed from the consent agenda.

AGENDA #8 “PUBLIC COMMENTS/PRESENTATIONS”

8-A “Election & Government” Brian O’Neill stated he was a gadfly and one of the most popular people in the world. People like him are educated and knowledgeable. If it were not for people like him, life could not move on. According to Mr. O’Neill the Olney Daily Mail declared that he was the only qualified candidate for any public office. Mr. O’Neill stated Mayor Lambird was a lesser candidate.

Mr. O'Neill went on to say the Olney Daily Mail discriminated against him when they published an article that stated "Two and a half candidates-It's Lambird, Vaughn and gadfly for mayor" Mr. O'Neill considered that election fraud. He did not remember a candidate by the name of gadfly running for office. Mr. O'Neill will be filing charges against the Olney Daily Mail. They will have to testify that he is the only qualified candidate for mayor. If they do not admit he is the only qualified candidate, they are admitting they discriminated against Mr. O'Neill.

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

9-A "Resolution: Final Plat Cunningham Subdivision" The Plan Commission recently considered a request for approval of the final plat of Cunningham Subdivision which is located on Antioch Lane west of Elmdale and north of U. S. 50. The subdivision includes eight lots. The Council was provided with the recent Plan Commission minutes and a proposed resolution recommending approval of the final plat. The Plan Commission unanimously recommended approval of the Cunningham Subdivision final plat.

Councilman Foster asked if Mr. Cunningham has immediate plans to start construction. Pat Burke, representing Don and Barbara Cunningham, reported that Gary Brainard is ready to purchase Lots 1 and 2 and start construction as soon as the subdivision is platted and rezoned. Another one or two lots are pending sale. This plat also needs County approval. Mr. Burke has given the plat to the County Engineer for review. Mr. Burke explained no new roads are needed. Water will be provided by R E Water District.

Councilman Ferguson questioned the septic system requirements. Mr. Burke explained one private septic system is allowed per acre. The subdivision consists of approximately 6.5 acres. The most septic systems needed will be six which will be within state regulations. Mr. Charleston has checked into the state requirements. The state is talking about revising the regulations next year. The regulations will become more stringent.

Councilman Brown moved to approve Resolution 2012-R-83, seconded by Councilman Ferguson. Councilmen Foster, Brown, Ferguson, Mayor Lambird and Councilwoman Thomas votes yes. There were no opposing votes. The motion carried.

9-B "Ordinance: Rezone Cunningham Subdivision from A-1 (Agricultural District) to R-S (Single-Family Residence District)" The Plan Commission also considered the request to rezone the Cunningham Subdivision from A-1 (Agricultural District) to R-S (Single-Family Residence District). The rezoning is necessary in order to reduce the required minimum size of each lot from 3 acres to 20,000 square feet. The Plan Commission voted unanimously to recommend approval of the rezoning request. The Council was provided with a proposed rezoning ordinance.

Councilman Ferguson moved to pass Ordinance 2012-60, 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-C “Discussion: Snorkel Truck/Used Ladder Truck” Fire Chief Holmes updated the Council on the ladder truck which he and City Mechanic Roger Fulk looked at in Speedway, Indiana. They were pleased with the condition of the truck. It has some minor things that need to be repaired such as the exhaust system, a small oil leak, the driver’s side door has a small dent and the cylinder on the back of the truck has a seal leaking. None of these items are major repairs. The truck appears to operate smoothly. Speedway officials are still considering whether to purchase a new truck so the sale of this truck is pending their decision to purchase a new truck. Chief Holmes is satisfied with the truck, and will be back in that area on December 12 to inspect the truck further.

Because the ladder truck is much longer than any of the Fire Department’s other trucks, Chief Holmes has measured several places around town to make sure it can be maneuvered.

Councilman Foster questioned the oil leak. Chief Holmes reported that Mr. Fulk thought the leak was from the front main seal. The repair would not be that expensive to fix.

Councilman Foster questioned if Speedway is firm on their price of \$90,000. Chief Holmes thought there could be some room for negotiations.

Chief Holmes believed the ISO rate could be increased with the purchase of this truck. At this time he is not sure of the water storage capacity, but the truck has a pump and hose bed which would be beneficial. This truck would allow the department to get to some properties that they cannot get to now. If a decision is made to purchase this truck, he will make sure that it undergoes a third party certification test. If the truck passes, he suggested that Olney pay for the test, but if it fails Speedway should pay for the test.

Councilman Ferguson questioned other needs of the Fire Department. Chief Holmes explained Unit 1652 is 27 years old, but he hopes it will last at least another five years. If this ladder truck is purchased, he believed the Fire Department would be in good shape for a while.

9-D “Discussion: Leaf Pick Up Program” Mr. Sanders provided the Council with a leaf pick up program summary of expenses. Mr. Sanders reviewed the expenses. The total cost to date was \$21,056.43 which included the initial cost of the equipment, fuel, and labor.

Councilman Foster questioned if the program is within budget. Mr. Sanders answered yes.

Councilman Ferguson questioned the average time for pickup once a resident requested service. Mr. Taylor believed that time varied widely depending when they called in. During

peak leaf season, the crews were running behind and even worked overtime at least two different Saturdays. Councilman Ferguson thought the crews did a good job.

Street Department Supervisor Marty Nuss commented on the volume of leaves. There were multiple locations which required multiple truck loads of leaves being picked up. Mr. Nuss talked to the City of Mt. Carmel and they limit leaf pickup for each house to two times per year. Mr. Nuss believed that picking up each area once a week was too ambitious. He hoped to fine tune the program next year, but he believed it will take a couple of years to run smoothly.

Councilman Foster thought having a second truck to transport the leaves would decrease the down time and there may be a need for an additional vacuum.

Mr. Nuss commented it was helpful during the peak time that Gary Scherer was willing to bring his truck to town to have leaves directly loaded.

Councilman Ferguson questioned what would happen if Mr. Scherer no longer wanted to take the City's leaves. Mr. Nuss commented he had no answer to that problem yet.

Councilman Foster commented there are other composting companies in the area.

Mr. O'Neill questioned if citizens will eventually have to pay for this service. Councilman Foster replied it is his intention to make the service free.

Councilman Foster commented that he received a complaint from a resident that followed the leaf machine over the railroad tracks and this person thought the employees should slow down.

9-E "Discussion: Brush Dump Hours" During the last few months the brush dump has been open Monday through Saturday 10:00 a.m. until 4:00 p.m. Mr. Taylor proposed closing the brush dump during the week of Christmas. He asked for the Council's input for the hours of operation during the winter months of January, February and March. Mr. Taylor suggested the brush dump only be open on Saturdays from 10:00 a.m. until 4:00 p.m. during the winter months. Additional weekday hours could be added if needed.

Mayor Lambird questioned how much traffic the brush dump has had during the last month. Mr. Nuss commented only seven people used the brush dump today. A normal day is between 20 and 30.

Councilman Foster saw no reason to keep the brush dump open more than Saturdays during January, February and March. He wondered if large loads could stop by the Water Plant to get a key for the brush dump. Mr. Taylor commented that procedure has been used in the past, but creates a problem for the Water Plant because they are busy doing other work. Councilman

Foster asked if they have a large door bell that can be rung. Mr. Taylor explained stopping to take care of the dump would take them away from their work at the Water Plant.

Councilwoman Thomas agreed to just have the brush dump open on Saturdays. Residents will need to plan accordingly.

Councilman Ferguson expressed a concern for tree contractors wanting to use the brush dump during the winter. Councilman Foster commented he did not know it was the City's responsibility to provide a dumping area for contractors. He believed the brush dump should be more of a place for citizens to dispose of yard waste.

Mr. Nuss commented that tree contractors are creating a serious problem for the brush dump because of the size and volume they bring to the dump. He believed contractors should be required to take their wood to a landfill or cut it up for fire wood.

The Council will discuss this matter again in January.

The Council was in agreement with closing the brush dump during the week of Christmas.

9-F "Ordinance: Tax Levy" Mr. Taylor informed the Council that the proposed tax levy is for a 0% increase in the tax rate. The total levy is for \$1,825,438.

Councilman Foster asked if the estimated assessed valuation is expected to increase. Mr. Sanders answered no.

Councilman Foster moved to pass Ordinance 2012-61, seconded by Councilman Brown.

Mayor Lambird noted that there was a large portion of the estimated assessed valuation that was abated through the Enterprise Zone. These abatements will continue for another year.

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

9-G "Ordinance: Authorize Sale of Personal Property - City Park Ball Diamond Equipment" A meeting was held on Thursday, November 29, with various organizations regarding the disposition of the equipment at the ball diamonds at the City Park. The Olney Little league and Babe Ruth are going to remove items that are owned by the leagues in the very near future. They are not interested in anything else. The Richland County Fair Board is interested in some fence and as many lights as possible. The City has need for about half of the fencing and a few lights. The White Squirrel Saddle Club has requested permission to have four portable storage buildings, two concrete slabs, ten poles with lights and 14 dugout roofs. A

proposed ordinance was prepared authorizing the sale of the items to the White Squirrel Saddle Club for \$1.00. The Whittle Squirrel Saddle Club will be responsible for removing these items.

Councilman Foster questioned if the City could store the unwanted concrete slabs. He thought they would be good for parking equipment on. He also asked if the City has any use for the portable storage buildings. Mr. Taylor did not believe the City was in need of the small storage buildings, but thought the concrete slabs can be put to use.

Councilman Ferguson questioned the White Squirrel Saddle Club's intent for the equipment they requested. Mr. Taylor understood they intended to use the items at their arena. Councilman Ferguson wanted to make sure they utilized the equipment and it was not left as an eye sore at their facility.

Councilman Foster moved to pass Ordinance 2012-62, seconded by Councilman Brown. Mayor Lambird, Councilwoman Thomas, Councilmen Foster, Brown and Ferguson voted yes. There were no opposing votes. The motion carried.

9-H "Discussion: Closing of Chestnut Street Between Richland and Elliott During School Hours" Mr. Taylor reported that several months ago the Council heard a request from the St. Joseph School to allow them to close the 500 block of E. Chestnut during school hours from 7:30 a.m. until 3:00 p.m. Recently, Mr. Taylor received a phone call regarding problems that are occurring in that area during the day when individuals bypass the barricades and drive through that area. When the Council approved the original request, an ordinance was not passed to provide any enforcement. They hoped putting barricades up would work, but apparently it has not worked. The street continues to be used by school buses and parents to drop off and pickup students. The street is also used for deliveries to the school.

Councilman Foster questioned if there are signs on the barricades. Mayor Lambird answered yes the signs say the street is closed during school hours except for deliveries.

Mr. Taylor commented if the Council wants to enforce closure, an ordinance needs to be adopted.

Mr. Taylor suggested that a proposed ordinance be drafted and provided to St. Joseph for review and then presented at the next meeting for Council consideration.

9-I "Discussion: Designated Use of Electric Aggregation Administrative Fee" The Council has authorized an administrative fee of 1/10 of one cent per kilowatt hour to be included in the electric rate for those not opting out of the electric aggregation program. Mr. Taylor questioned if the Council wanted to designate the administrative fee for a specific purpose or for uses within one or more departments.

Councilwoman Thomas would like to see a portion of the administrative fee used for police and fire equipment updates and another portion used to upgrade Musgrove Park and the City Park.

Councilman Ferguson suggested designating the administrative fee to capital improvements for any department.

Councilman Foster moved to designate the administrative fee from the electric aggregation to be used for capital improvements, seconded by Councilman Ferguson. Councilwoman Thomas, Councilmen Foster, Brown, Ferguson and Mayor Lambird voted yes. There were no opposing votes. The motion carried. Resolution 2012-R-84 will be prepared.

9-J “Ordinance: Authorize Disposal of Police Chief Brown’s Service Weapon” The Council was provided with a proposed ordinance authorizing Rob Brown’s service weapon to be given to him when he retires as Police Chief effective December 31, 2012. This has been done for the last several officers that have retired.

Councilman Ferguson moved to pass Ordinance 2012-63, seconded by Councilwoman Thomas. Councilmen Foster, Brown, Ferguson, Mayor Lambird and Councilwoman Thomas voted yes. There were no opposing votes. The motion carried.

9-K “Resolution: Cancel December 24 Council Meeting” Mr. Taylor explained it has been the custom to cancel the last meeting in December particularly since the meeting will fall this year on Christmas Eve.

Councilman Brown moved to approve Resolution 2012-R-85, seconded by Councilman Foster. A majority affirmative voice vote was received.

9-L “Discussion: Approval of 2013 Meeting Schedule” City Clerk Henton prepared a 2013 meeting schedule and asked for the Council’s approval.

Councilman Foster moved to approve the 2013 meeting schedule, seconded by Councilman Brown. A majority affirmative voice vote was received.

AGENDA #11 “REPORTS FROM ELECTED AND APPOINTED OFFICIALS”

10-A “City Manager - Status Report” Mr. Taylor reported that tomorrow electric aggregation bids will be opened and contracts signed. Mr. Taylor will be going to Charleston, Illinois, with a number of other communities, to sign the necessary contracts.

Mr. Sanders has put together information concerning the possibility of the City purchasing and maintaining porta potties for the City Park and Musgrove Park. Mr. Sanders provided the information to the Council for their consideration. The cost to purchase a new porta

potty was \$750.00 and \$300 for a used unit. The total estimated cost for maintaining 4 porta potties was \$882.70 per month. The cost to rent 4 units, which includes maintenance, is \$280. Mr. Sanders obtained this information from Stremme Septic and the Sewer Department. Mr. Sanders explained because of the configuration of equipment, the Sewer Department cannot maintain porta potties as efficiently as Stremme. Mr. Sanders also noted the cost estimates do not include any expenses for vandalism. Mr. Stremme indicated he has never charged the City for repairing the porta potties due to vandalism.

Mr. Sanders noted that porta potties can be taken out of service in the off season in an effort to save money.

Considering the information presented, Councilman Foster saw no need to proceed any further.

Mr. Taylor reported the City received a check on December 8 for \$50,000 from Richland County for the fire truck and the \$123,000 has now been received for the sale of the 20 acres north of East Fork Lake. In the past the Council discussed using the proceeds from the land sale for the fire truck. Mr. Taylor questioned if the Council wanted these payments to be made now toward the principal on the fire truck loan or made when the installment payment is due.

Councilman Ferguson moved to apply the \$50,000 received from Richland County to the principal of the fire truck loan now, seconded by Councilman Foster. A majority affirmative voice vote was received. Resolution 2012-R-86 will be prepared.

Councilman Foster moved to apply the \$123,000 received from the sale of the 20 acres to the principal of the fire truck loan, seconded by Councilwoman Thomas. A majority affirmative voice vote was received. Resolution 2012-R-87 will be prepared.

10-B "City Manager - Sanitary Hauling Bid Specifications" Mr. Taylor brought to the Council's attention the sanitary hauling franchise will expire on February 28, 2013. In the past the franchise has been for five years and increases were tied to the consumer price index for transportation. Mr. Taylor asked the Council for their input in respect to suggestions for the bid specifications such as number of containers allowed, if totes should be required, options for recycling and landscape waste.

The Council agreed it would be helpful to bid recycling and landscape waste to compare costs. They also discussed totes and sizes.

Mr. Taylor hopes sanitary hauling bids can be opened the end of January or the first part of February. He wanted to have enough time to evaluate the bids before the franchise expires.

Councilman Foster noticed a payment being scheduled to Wabash Asphalt for hot mix. He questioned if hot mix is being stored. Mr. Taylor explained some of the hot mix has been used on street repairs and some is being stored for future repairs.

Councilman Foster questioned an expense for filing fees for a parking agreement for Kevin Sager. He was told that Mr. Sager has reimbursed the City for this expense.

Councilman Foster also questioned a payment being made to the Olney Greenhouse for six grave pillows for Cochran. City Clerk Henton explained the City received money from the Cochran estate. The agreement was the City would provide grave pillows at Christmas and flowers for Memorial Day for the six graves. The money has been invested and interest helps pay for the grave decorations.

Councilman Foster wanted to make a public statement that the City has not hired a Police Chief from Chicago.

AGENDA #12 “CLOSED SESSION: APPOINTMENT, EMPLOYMENT AND PERFORMANCE OF SPECIFIC EMPLOYEES AND SETTING PRICE FOR SALE OR LEASE OF PROPERTY” Councilman Foster moved to adjourn to closed session to discuss appointment, employment and performance of specific employees and setting price for sale or lease of property, seconded by Councilman Brown. A majority affirmative voice vote was received to adjourn to closed session.

Councilmen Foster, Brown, Ferguson, Councilwoman Thomas, Mayor Lambird, City Manager Taylor, City Treasurer Sanders and City Clerk Henton left the Council Chambers at 8:53 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 affirmative voice vote was received. Open session resumed at 10:39 p.m.

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

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

The meeting of the City Council adjourned at 10:40 p.m.

Belinda C. Henton
City Clerk