

CITY OF OLNEY  
CITY COUNCIL MEETING  
JANUARY 23, 2012

AGENDA #1 “CALL TO ORDER” The January 23, 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. Mark Lambird 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 Attorney/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 the Council Meeting on January 9, 2012

4-B Approve and Authorize Payment of Accounts Payable January 10, 2012-Pooled Cash \$101,876.57

4-C Raffle License - Olney Quilt Guild

4-D Raffle License - Suntone Beach Survivors Team for Walk & Roll

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

AGENDA #6 “CONSIDERATION OF CONSENT AGENDA” Councilwoman Thomas moved to approve the consent agenda, seconded by Councilman Brown. 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 “STAFF REPORTS”

8-A “City Manager - Project Update” Mr. Taylor noted in addition to the monthly MFT receipts, \$4,855.00 was received for the High Growth Cities Program. The state indicated Olney will continue to get additional funds and in 2014 the amount will increase to \$6,998.17.

It appears that the City did not get the \$803,500 FEMA grant which was submitted for funding of a 75' aerial ladder, 40 complete sets of turnout gear, turnout gear extractor and turnout gear dryer.

In the near future an engineering agreement will be brought to the Council for approval for the DCEO storm sewer improvements for the Boone Street project. The City must enter into an engineering agreement for the project as one of the grant conditions.

The final draft of the Pre-Disaster Mitigation Plan will be presented for review and comments on Tuesday, January 24. It will then be forwarded to FEMA and to the various government entities for approval.

Councilman Foster asked about the seeping of the East Fork dam. Mr. Charleston reported that nothing has been determined. Borings were obtained and sent away for analysis.

Councilman Brown asked about the various storm sewer projects. Mr. Taylor reported he recently revised an easement agreement concerning the 209 E. Porter Street project. One of the property owners was concerned about a fence. Once this agreement is signed and Mr. Charleston prepares a material list, the project can begin.

Councilman Ferguson questioned the progress of the storm water detention area planned near the Middle School. Mr. Taylor has been in contact with a school representative, and an amendment needs to be made to address one of their concerns. Approval is expected in the near future.

#### AGENDA #9 “NEW BUSINESS”

9-A “Resolution: Kemper Letter of Engagement” Kemper CPA Group submitted a proposed Letter of Engagement for the fiscal year 2011-2012 audit. The cost of the audit will not exceed \$20,510 and could be less depending on the actual hours billed. They will begin the audit on or about June 4. Staff recommended approval of the Letter of Engagement.

Councilman Ferguson moved to approve Resolution 2012-R-04, seconded by Councilman Brown. Councilmen Foster, Brown, Ferguson, Mayor Lambird and Councilwoman Thomas voted yes. There were no opposing votes. The motion carried.

9-B “Request: After-Prom Donation” A request was received from the East Richland High School After-Prom Committee for a donation from the City in the amount of \$750.00. The City has approved this same amount for a number of years. Mr. Taylor recommended approving a donation of \$750.00.

Councilman Foster moved to approve a donation of \$750.00 to After-Prom, seconded by Councilman Ferguson. A majority voice vote was received.

9-C “Discussion: City Park Improvements” The Council was provided with a memo from Frank Bradley regarding proposed City Park improvements and the use of some funds in the City Park Capital Improvement line item. Originally, \$23,500 was budgeted. The current balance in the line item is \$15,287.80. The memo outlines certain projects that Mr. Bradley would like to do with remaining funds, including roofing repairs to the Community Building, 25 plastic trash

can toppers, playground equipment for Kiddy Land in the City Park, mulch for Kiddy Land and surveillance equipment.

Mr. Bradley found several holes in the Community Building roof and requested an estimate for repairs. The repair cost is estimated at \$1,000. The current roof is approximately 20 years old.

Mr. Bradley found a place to purchase 55 gallon drums that can be used for trash cans and researched toppers for the barrels. The toppers will cost \$80 each.

If funds remain after the mentioned improvements are made, Mr. Bradley would also like to sandblast and paint the decorative light poles in the City Park.

Councilman Foster moved to approve the purchase of 25 trash can toppers, seconded by Councilman Brown. A majority voice vote was received.

Mr. Bradley has been working with Barlow Security in Effingham, Illinois on the possible purchase and installation of surveillance equipment in various areas of the City Park. He is currently waiting on a quote. Mr. Bradley would like to use funds out of the City Park capital line item to pay for this equipment. The Council's approval will be sought before any equipment is purchased. The Council agreed surveillance equipment is worth looking into and also suggested consideration be given to Rotary Park and Musgrove Park.

Mr. Bradley provided the Council with pictures of playground equipment that needs to be replaced in Kiddy Land in the City Park along with pictures of suggested equipment purchases.

Councilman Ferguson suggested discussing park improvements at the special meeting scheduled for January 30. He mentioned there are several grants that could be pursued for such projects.

Mr. Bradley commented currently there is no mulch under the existing equipment at Kiddy Land. If the equipment is replaced, mulch will need to be purchased at the cost of \$2,000.

Councilman Foster moved to approve the repair of the Community Building roof and allow Mr. Taylor and Mr. Bradley to order playground equipment for Kiddy Land along with the needed mulch, seconded by Councilwoman Thomas. Mayor Lambird, Councilwoman Thomas, Councilmen Foster, Brown and Ferguson voted yes. There were no opposing votes. The motion carried.

9-D "Request: Change in Reporting Period for Hotel/Motel Tax" John Murray from the Royal Inn has submitted a request to pay his hotel/motel tax on a quarterly basis because he is now able to pay his state hotel/motel tax on a quarterly basis. If the City Council decides to accommodate him, the City Code would need to be amended because now it requires monthly payments. The state statute allows a quarterly payment if the monthly tax liability is less than \$200. The City Code could be amended to allow quarterly installments if the monthly tax

liability is less than \$133 based on the City's current 4% tax. This change could impact four businesses.

Councilman Brown moved to amend the code to allow hotel/motel operators to pay their hotel/motel tax quarterly if their tax liability is less than \$133, seconded by Councilman Foster.

Councilman Ferguson suggested that this change be discussed with the motels and bed and breakfast operators. Mr. Sanders suggested the City have flexibility so hotel/motel operators could pay quarterly if qualified, but would be allowed to pay monthly if they preferred or required to pay monthly if a problem arises.

Councilman Brown withdrew his motion.

The hotel/motel operators will be contacted concerning the proposed change and Mr. Taylor will draft a proposed amendment.

9-E "Resolution: Agreement Regarding Electric Pre-Paid System Extension for Musgrove Ball Field Complex" Mr. Taylor recently met with Brad Beard from Ameren regarding an Agreement for Electric Pre-Paid System Extension for Musgrove Ball Field Complex. The cost of extending service to the Musgrove Ball Field Complex is \$21,165.21. This work has already been done. Ameren is requiring the City to pay the entire amount up-front, but will allow a credit for the delivery charges billed for a period of three years.

Based on the 2011 bills, the delivery charges were \$2,262.26. That would mean a total credit of approximately \$6,786.78 over a three-year period could be expected.

Councilman Ferguson moved to approve Resolution 2012-R-05, seconded by Councilman Brown. Councilmen Foster, Brown, Ferguson, Mayor Lambird and Councilwoman Thomas voted yes. There were no opposing votes. The motion carried.

9-F "Resolution: Amend Budget for Pole Building" Previously, the City Council amended the budget to provide funds for the relocation of the pole building from Musgrove Park to the Public Works Center. As of today \$19,595.68 has been spent. There is still approximately \$1,500 more materials needed to complete the project. In addition, a lift needs to be rented in order for the employees to finish the installation of the metal on the sides of the building and the soffit. The rental cost is estimated at \$1,750.00. The Council was provided with a resolution that amends the budget by increasing the line item from \$11,000 to \$13,850.

As an alternative to renting the equipment, Mr. Steber received a quote from Schrey Systems, Inc. to finish the building with their equipment and labor in the amount of \$7,360.

Mr. Taylor recommended that city crews complete the project which will take at last one week. So far city crews have done all the work on this project. Mr. Taylor saw no reason for them not to finish the project. Contracting the work may be quicker, but more expensive.

Councilman Foster moved to allow the city crews to finish the pole barn project, rent the needed equipment and amend the budget as proposed in Resolution 2012-R-06, seconded by Councilman Brown. Councilmen Brown, Ferguson, Mayor Lambird, Councilwoman Thomas and Councilman Foster voted yes. There were no opposing votes. The motion carried.

#### AGENDA #10 “OLD BUSINESS”

10-A “Discussion: Management of Concession Stand at Musgrove Ball Complex” The Council was provided with a revised lease for the concession stand with Olney Little League. The proposed lease was updated with the year and location of the diamonds. Mr. Taylor also included soccer and swimming events during which the concession stand would be open. The insurance requirements were reduced from \$2,000,000 to \$1,000,000.

Mr. Taylor recently met with Brad Doll concerning the proposed lease. Mr. Doll suggested some minor changes. Little Leagues liability insurance would cover the concession stand during their season and tournaments. Mr. Doll preferred that the lease be limited to baseball and softball. Soccer is played in the fall and he was not sure how much interest there would be in running the concession stand for soccer events.

Councilwoman Thomas questioned who owns the equipment currently used at the concession stand. Mr. Taylor commented that most of the equipment was purchased by Della Budde who currently runs the concession stand. Mrs. Budde has indicated that Little League can use her equipment.

Concerning the renewal of the lease, Councilman Brown preferred that a majority vote be required by the Council each time the lease is up for renewal instead of an automatic renewal. Mr. Taylor indicated he would change the language.

Mr. Taylor also indicated that he has changed the language regarding utilities. The actual utilities used by the concession stand will be paid by Little League or the concession vendor.

Councilman Ferguson questioned if the concession stand will have awnings. No one knew.

Councilman Foster asked if there is any interest for the City to operate the concession stand. He also questioned if the proposed lease will allow for any part of the proceeds going to the upkeep of the facility. Mr. Taylor indicated the proposed lease does not provide for any income for the City.

Councilman Ferguson expressed a concern with the City running the concession stand due to the initial cost for equipment. Mayor Lambird understands Mrs. Budde does a good job at running the concession stand. He was concerned people may not be happy if the City did not do a good job.

Councilman Foster believed the concession stand has a good potential for profit. Profits from the concession stand could be used for repairs and maintenance of the facilities.

Councilman Brown questioned if the City could require a rental fee for the concession stand or a percentage of the profits. Councilman Foster believed it would be hard to determine the profits because all transactions are for cash. Since the City is building the facility, he believed the City should receive some money back.

Councilmen Brown and Ferguson were interested in exploring the possibility of charging rent for the concession stand.

Mr. Taylor commented Little League was only interested in leasing the concession stand during baseball and softball seasons so other groups could possibly use the facility during other times.

10-B “Discussion: Class D-S Club Special License” At the last meeting Mr. Taylor presented a proposed amendment which would create a Class D-S liquor license which would be used by clubs for special events. Since the last meeting Mr. Taylor has met with representatives from the Knights of Columbus, VFW and American Legion regarding the proposal. The clubs explained to Mr. Taylor they raise funds through activities that are open to the public for charitable causes. Through research Mr. Taylor found other communities such as Naperville has a number of different types licenses that allow clubs to be open to the public. These different types of licenses would not affect their club activities.

Jim Fehrenbacher, representing the VFW, commented his club cannot open up to the public because they will lose the IRS exemption.

George Hostettler pointed out no one under 21 can be in a tavern.

Councilman Foster commented he does not want to take away from what the clubs are doing.

Connie McVicker commented as a general rule the VFW is not open to the public. They did host a New Year’s Eve party that was open to the public. She would hate to see the cost of their liquor license go up causing them to raise their prices. The VFW is like home for many people. They do not want to see it change.

Jim Fehrenbacher reported that during 2011 the VFW donated \$16,585 and hosted 23 benefits which were open to the public.

Hank Ginder, representing the Knights of Columbus, commented that their fish fries, which are open to the public, help them raise funds so they can meet their bills for the year. He and his wife volunteer their service to run the Knights of Columbus.

The Council had no interest in creating a Class D-S liquor license.

This matter will be discussed again at the next meeting when persons representing the taverns address the Council.

AGENDA #11 “PUBLIC COMMENTS/PRESENTATIONS”

11-A “Brian O’Neill-National/State Debt, Healthcare and Employment” Brian O’Neill stated he is the only person that has an answer to the national health care bill. He told the audience he will be running for President in the future.

He also has a plan to allow people to get off of federal assistance which will fix the federal debt.

AGENDA #12 “REPORT FROM THE MAYOR”

Mayor Lambird congratulated Logan Ferguson for her performance in the state queen contest.

He also congratulated the Street Department in preparing for the recent ice storm. The streets were in excellent shape after being treated with the salt brine.

AGENDA #13 “REPORTS FROM CITY COUNCIL MEMBERS”

Councilman Foster asked if anyone has had an opportunity to check on liability insurance through the City’s insurance carrier. Mr. Taylor comment that Cindy Harlan did contact the insurance carrier, and special events can be covered. Mr. Taylor commented that certain events should be required to have additional insurance, but runs may be able to avoid additional insurance costs when used as a local fund raiser. Mr. Taylor will talk to Mrs. Harlan further to determine what needs to be done prior to a special event. The insurance carrier has been notified of the 5K run in February.

Councilman Foster questioned if the Council will start receiving weekly department reports. Mr. Taylor indicated the Council will start receiving the reports.

AGENDA #14 “CLOSED SESSION: COMPENSATION AND PERFORMANCE OF SPECIFIC EMPLOYEES” Councilman Foster moved to adjourn to closed session to discuss the compensation and performance of specific employees, seconded by Councilman Brown. A majority voice vote was received.

Councilmen Foster, Brown and Ferguson, Councilwoman Thomas, Mayor Lambird, City Attorney Taylor and City Clerk Henton left the Council Chambers at 8:38 p.m.

AGENDA #16 “RECONVENE OPEN SESSION” Upon the return of those who were in closed session to the Council Chambers, Councilman Brown moved to enter back into open session, seconded by Councilwoman Thomas. A majority voice vote was received. Open session resumed at 9:24 p.m.

AGENDA #17 “ACTION ON CLOSED SESSION” No action was taken as a result of the closed session.

Mayor Lambird announced there will be a special Council meeting on Monday, January 30 at 6:30 p.m. at the Fire Station.

AGENDA #18 “ADJOURN” Councilman Foster moved to adjourn, seconded by Councilman Brown. A majority voice vote was received.

The meeting of the City Council adjourned at 9:25 p.m.

Belinda C. Henton  
City Clerk