

CITY OF OLNEY  
CITY COUNCIL MEETING  
JANUARY 9, 2012

AGENDA #1 “CALL TO ORDER” The January 9, 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. Troy Reynolds 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 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 December 12, 2011

4-B Approve and Authorize Payment of Accounts Payable January 10, 2012-Pooled Cash \$51,878.79, Water Deposit Refunds \$2,131.41, Manual Pooled Cash dated December 30, 2011 \$123,820.09 and December 28, 2011-Pooled Cash \$103,226.89, Community Development Assistance Grant \$29,250.00, Christmas Light Display \$3,259.57, Motor Fuel Tax \$2,998.69 and Tourism \$209.87.

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 “STAFF REPORTS”

8-A “City Manager - Project Update” Mr. Taylor reported that the December receipts for the Corporate Replacement Tax were \$3,767.67 which was \$18,993.71 less than the same period last year. The decreased receipts relate to action by the General Assembly to help fund Regional Superintendents and bonus depreciation. Also, there was an amnesty program in 2010 which generated more revenue for that time period. The January receipts are projected to be \$16,000.

At the last meeting, the Council questioned the amount spent on fuel during this budget year. Mr. Sanders compared gallons used and fuel cost per gallon from May 2010 through November 2010 to May 2011 through November 2011. The average price per gallon was \$2.48

in 2010 and \$3.35 for 2011. Also there were 2,695 more gallons of fuel used in 2011 than in 2010. This increase was attributed to recycling and the street sweeper.

Mr. Taylor reported that city crews took out one tree in the 100 block of Whittle Avenue. The tree could not be pulled out so it had to be cut town. First National Bank does want their two trees cut down. The trees will have to be cut down to avoid damage to their exposed aggregate sidewalks. The stumps will then be ground out as much as possible. The Council was agreeable to remove any of the trees which the adjoining property owners requested.

Mr. Taylor proposed a budget work session on January 30 at 6:30 p.m. in the training room at the Fire Station. The Council was agreeable.

City crews are in the process of taking down the Christmas lights.

#### AGENDA #9 “NEW BUSINESS”

9-A “Ordinance: Vacation of Alley” City Clerk Henton received a request from Gary Houchin to close an east/west alley between 1003 E. Cherry Street and 1021 E. Cherry Street on the north and 1000 E. North Avenue and 1022 E. North Avenue on the south. Letters detailing this request were sent to the five property owners adjoining the alley. There are utilities located in the alley so a utility easement would need to be retained. After hearing objections from property owners on the east end of the alley, Mr. Houchin modified his request to only close the west end of the alley. The property owners on the east end could access their properties from the Lincoln Street right of way.

Earl Tannahill was present and voiced his objection to closing the alley. It was inconvenient for Mr. Tannahill to access the alley from the east because it is low and not maintained. Mr. Houchin has improved the west end of the alley. Mr. Tannahill presented pictures of the alley.

The Council was unwilling to vacate the alley since not all residents were in favor of the vacation.

9-B “Request: Class S Liquor License” Bart Zuber, representing The Gypsy, requested a Class S liquor license for January 14, 2012. They are planning an outdoor event with bands in the 200 block of S. Whittle Avenue. The Gypsy will have entrance and exit points which will be monitored.

Councilman Foster moved to approve a Class S Liquor license for The Gypsy on January 14, 2012, seconded by Councilwoman Thomas. A majority voice vote was received.

9-C “Discussion: Community Choice Aggregation” Steven Thayer, a consultant for SIMEC, made a presentation concerning electric aggregation. He provided a sample ordinance authorizing a referendum and a sample ordinance authorizing a consulting contract as well as a

proposed consulting contract. The last day to adopt an ordinance submitting the issue of electric aggregation to the voters at the November 6 general election is August 20, 2012.

Mr. Thayer explained if approved by referendum, residents can save between 25-30% on electric cost which based on current rates, customers save an average of \$141.72 per year. The City has no obligation to move forward if savings are not realized. Mr. Thayer's organization partners with a marketing firm, at no cost to the City, to educate the public concerning this issue. If approved residents would have 90 days to opt out of the program if they wish. Only Ameren customers can participate.

Councilman Foster asked how SIMEC is paid. Mr. Thayer explained SIMEC receives 2/10 of 1 cent per kilowatt hour from Ameren.

Councilwoman Thomas asked if Ameren is likely to increase the distribution cost since the electricity is being sold for less. Mr. Thayer explained Ameren is heavily regulated.

Councilman Foster felt it was worth the City's effort to try and save the citizens money, but the Council needs to decide whether they want to hire a consulting firm like Mr. Thayer's or allow the City to do it themselves.

9-D "Discussion: Management of Concession Stand at Musgrove Ball Complex" Mr. Taylor requested input from the Council on how to proceed with the management of the concession stand at the Musgrove Ball Complex.

Councilman Brown reported that Olney Little League is now willing to sign the lease that was proposed to them 1 ½ years ago. Mr. Taylor pointed out that lease was for the old park and there may need to be some modifications made.

Councilman Foster would like to see the City run the concession stand for the first and second years to see the profit potential. He suggested having the pool manager supervise the duties at the concession stand.

Councilman Brown questioned who owns the equipment in the existing concession stand.

Councilman Ferguson questioned the start up cost for the concession stand.

Councilman Foster commented if the concession stand is run correctly, there is potential for a significant profit. These profits should help defray the costs for operating the park.

Mr. Taylor will check to see how the Little League lease needs to be modified and explore the option of the City running the concession stand.

9-E "Resolution: Amend Comprehensive Plan" The Plan Commission recently considered an amendment to the Comprehensive Plan in respect to sidewalks. The proposed amendment includes the sidewalks which were in the 2000 Comprehensive Plan, the sidewalks proposed for

the Safer Routes to School grant application, west side of Route 130 from Parker Street to Wal-Mart Supercenter and Mack Avenue from Route 130 to Silver Street. The Plan Commission added two areas on the east and west side of Route 130 between Parker Street and St. John Street by the City Park and OCC and the east side of Route 130 from Lafayette Street to Sam Street. The Plan Commission voted unanimously to recommend the revised sidewalk comprehensive plan to the City Council as amended. Copies of the amended sidewalk comprehensive plan were provided to the Council.

Mr. Taylor explained this is only a plan. Not every sidewalk will necessarily be done, and if a sidewalk is not included in the plan, it does not mean it cannot be done. The plan does not include sidewalks that need to be replaced. The revised sidewalk plan is necessary if the City Council wants to apply for a grant through the Illinois Transportation Enhancement Program for the sidewalk from Parker Street to the Wal-Mart Supercenter.

Councilman Brown moved to approve Resolution 2012-R-01, seconded by Councilwoman Thomas. A majority voice vote was received.

9-F “Ordinance: Annexation of Railroad Right of Way” The Council was provided with a proposed ordinance authorizing the annexation of the former Illinois Central Gulf Railroad right of way that the City acquired from Respondek Railroad Corporation in late 2010. This property adjoins the Pacific Cycle property and the City’s Industrial Park.

Councilman Foster moved to pass Ordinance 2012-01, seconded by Councilman Ferguson. Councilman Ferguson, Mayor Lambird, Councilwoman Thomas, Councilmen Foster and Brown voted yes. There were no opposing votes. The motion carried.

9-G “Ordinance: Annexation of Radio Tower Lift Station” The Council was provided with a proposed ordinance authorizing the annexation of the property where the sanitary sewer lift station on Radio Tower Road is located.

Councilman Ferguson moved to pass Ordinance 2012-02, seconded by Councilman Foster. Mayor Lambird, Councilwoman Thomas, Councilmen Foster, Brown and Ferguson voted yes. There were no opposing votes. The motion carried.

9-H “Resolution: Authorize Purchase of Squad Car” The Council was provided with a memo from Police Chief Brown concerning the purchase of a 2011 Ford Crown Victoria state bid squad car. Along with the memo were quotes from local body shops for the needed striping of the car.

Councilman Foster moved to approve Resolution 2012-R-02, seconded by Councilman Brown. Councilwoman Thomas, Councilmen Foster, Brown, Ferguson and Mayor Lambird voted yes. There were no opposing votes. The motion carried.

9-I “Discussion: Class D-S Club Special License” The proposed amendment to the liquor control code would establish a special use liquor license specifically for clubs to permit them to

sell alcoholic liquor at retail for events that are open to the public. The definition of a club limits their clientele to members and their guests. This will make it more of a level playing field between clubs and taverns.

The proposed license would be \$100 per day. This type of license would not be needed for an event such as a weddings, birthday parties or anniversary parties where there are only invited guests.

Councilman Brown questioned if this license would be needed by the clubs that open their facility to the public for lunch. Mr. Taylor explained clubs are not permitted to be open to the public.

Hank Ginder asked if this license would be needed for fund-raising events, bingo and fish fries. He explained the clubs are trying to increase their profit so they can contribute to local charities. Taverns and restaurants are in business for the profit.

This matter will be reviewed and discussed further at a future meeting.

9-J “Resolution: Amend Budget for Joint Dispatch Expense” The City has received invoices from the Richland County Joint Emergency Dispatch Center for joint dispatch expenses covering October 2011, November 2011, December 2011 and January 2012. The expenses are approximately \$15,000 per month. The budget needs to be amended to provide for the contractual services line item in the amount of \$115,000 to cover the joint dispatch expenses for the seven months from October 2011 to April 2012. The proposed resolution amending the budget adjusts the Permanent Employees and Health and Life Insurance line items reflecting savings in those areas. The resolution also includes an increase in the Overtime line item because of overtime expenses for telecommunications which exceeded the budget overtime expenses for the telecommunications because the department was operating with a short staff prior to implementing joint dispatch.

Councilman Ferguson moved to approved Resolution 2012-R-03, seconded by Councilman Brown. Councilmen Foster, Brown, Ferguson, Mayor Lambird and Councilwoman Thomas voted yes. There were no opposing votes. The motion carried.

AGENDA #10 “OLD BUSINESS” There was no old business to discuss.

AGENDA #11 “PUBLIC COMMENTS/PRESENTATIONS”

11-A “Brian O’Neill-Restaurant Health Violations/Regional Health Department Needed” Mr. O’Neill has received complaints about health violations in restaurants. He has talked to the Illinois Department of Public Health. According to Mr. O’Neill he was told it is the County Board and States Attorney’s job to handle these complaints.

George Hostettler complained that the gutters in the area of Lathrop Street, Fritschle Street and Lee Avenue need to be cleaned. He suggested that shovels be used.

Mr. Hostettler also complained about a barricade in the street in front of 1103 N. Silver. This is the location that a trash truck ran into the ditch. He felt the City should have fixed the ditch by this time.

Mr. Taylor reported he has discussed the gutter problem with City Engineer Roger Charleston and Street Department Supervisor Jay Scott. There are plans to utilize the part-time recycling employees to clean the gutters after they have completed their recycling route during weeks of recycling.

#### AGENDA #12 “REPORT FROM THE MAYOR”

12-A “Appointment to Various Boards and Commissions” Mayor Lambird recommended appointing Charles Sanders to the Fire Pension Board replacing Brad Yockey.

Councilman Brown moved to appoint Charles Sanders to the Fire Pension Board, seconded by Councilman Ferguson. A majority voice vote was received.

Mayor Lambird recommended appointing Tim Hahn to the Library Board replacing Cathy Caraway.

Councilman Ferguson moved to appoint Tim Hahn to the Library Board, seconded by Councilwoman Thomas. A majority voice vote was received.

Mayor Lambird announced that recycling will be every other week instead of two times a month beginning this month.

#### AGENDA #13 “REPORTS FROM CITY COUNCIL MEMBERS”

13-A “Councilman Brown-RCRC 5K Race Series” Councilman Brown commented that the Richland County Recreation Council will be hosting a series of 5K races starting in February. The Community Building in the City Park has been reserved for the race. Councilman Brown requested that the fee be waived for the Community Building and insurance requirements be waived.

Mr. Taylor explained the insurance required for special events provides additional coverage for the City and also protects the sponsoring organization.

Councilman Foster asked if insurance has been waived for other special events. Mr. Taylor was not aware that insurance has been waived for any special event.

Mr. Taylor was asked what complications could be experienced by waiving the insurance requirement. Mr. Taylor commented you never know what will happen, the larger the event, the more likely to have someone injured. Some members of the Council were concerned with setting a precedent by waving the insurance requirement.

Councilman Foster pointed out the insurance requirement was suggested by the City's insurance company. If insurance is not required, he suggested that it be eliminated from the books. Councilman Foster was not opposed to waiving the fee for the Community Building, but believed the Council should consider a precedent will be set if insurance is waived.

Councilman Brown moved to waive the Community Building fee for RCRC on February 11, 2012, seconded by Councilman Foster. A majority voice voted was received.

Councilman Brown moved to waive the insurance requirement for the February 11, 2012 RCRC 5K run, seconded by Councilman Ferguson. Councilwoman Thomas and Councilman Foster voted no. Councilmen Brown, Ferguson and Mayor Lambird voted yes. The motion carried.

Councilman Ferguson questioned if Mr. Charleston has any answers about the East Fork dam leak. Mr. Charleston commented information is being gathered.

Councilman Foster asked if any progress has been made with installing posts on Brentwood at the corner of Maple Dale. Mr. Taylor understood posts would be installed on the north west corner of this intersection, but was not sure of the time frame.

Councilman Foster has noticed a lot of damage caused by trucks driving through the grass at Rotary Park. He asked for anyone living around the lake to call the Police Department and report any suspicious activity.

A grant is being investigated to change the street lights on Main Street and Whittle Avenue to LED's. Councilman Foster questioned the progress. He noticed the cost for street lights paid to Norris Electric compared to Ameren. He though consideration may need to be given to convert the Norris street lights to LED.

AGENDA #14 "CLOSED SESSION: COMPENSATION AND PERFORMANCE OF SPECIFIC EMPLOYEES AND PROBABLE OR IMMINENT LITIGATION" Councilman Foster moved to adjourn to closed session to discuss the compensation and performance of specific employees and probable or imminent litigation, 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 8:53 p.m.

AGENDA #16 "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 10:46 p.m.

AGENDA #17 "ACTION ON CLOSED SESSION" Mayor Lambird moved to reimburse former City Treasurer Brad Yockey at the rate of 3.25% from May 1 to the date of his termination,

seconded by Councilman Ferguson. Councilman Ferguson, Mayor Lambird and Councilwoman Thomas voted yes. Councilmen Foster and Brown voted no. The motion carried.

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

The meeting of the City Council adjourned at 10:48 p.m.

Belinda C. Henton  
City Clerk