

CITY OF OLNEY  
CITY COUNCIL MEETING  
JUNE 11, 2012

AGENDA #1 “CALL TO ORDER” The June 11, 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. Jerry Bush 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 May 29, 2012

4-B Approve and Authorize Payment of Accounts Payable June 12, 2012-Pooled Cash \$360,236.06, Pooled Cash Manuals \$598,930.10, Water Deposit Refunds \$1,717.96 and Christmas Light Display \$600.00.

4-C Raffle License-Desk & Derrick Club of Olney

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 - Status Report” At the last meeting, Mr. Taylor mentioned the request to stripe the three north tennis courts at the City Park so that individuals could play pickle ball. Darrell Snively was contacted and was opposed to placing additional lines on the tennis courts which he believes will only cause confusion. In addition, he indicated that there are plans to use private funds to improve the tennis courts. It was Mr. Snively’s opinion if private funds are used, the courts should not be altered for some other purpose. There is a strong opposition from those who play tennis. Mr. Taylor did not believe adding lines for pickle ball would be the best thing to do.

A bid opening date has been set for June 14 for the materials for the annual MFT maintenance program. In order to expedite upcoming work, Mr. Taylor suggested a special meeting to approve bids. The Council was willing to schedule a special meeting on June 14 at 2:00 p.m.

Mr. Taylor reported that plans for the Herman Drive entrance have been approved by IDOT. City Engineer Charleston would like to go out for bids for that project. A bid opening date of July 6 is being planned. Bid results will be brought to the Council on July 9. The Council had no objections.

Mayor Lambird asked about the status of the East Fork Lake annexation project. Mr. Charleston reported this project has not been worked on for a couple of months. The map has been completed, but the legal descriptions still need to be done. The legal descriptions will be a lengthy process.

#### AGENDA #9 “NEW BUSINESS”

9-A “Discussion: Procedures to Sell 20 Acres North of East Fork Lake” Mr. Taylor submitted a memo to the Council prior to the meeting concerning procedures to sell the 20 acres on Holly Road north of East Fork Lake. One method involved sealed bids. A notice of the sale must be published once each week for three successive weeks in the Olney Daily Mail. The Council would have to approve a bid by passing an ordinance with a vote of 3/4. The other option is a public auction. In order to sell by public auction, fair market value has to be determined by a written appraisal by a MAI-certified appraiser or a state certified or licensed real estate appraiser. The purchase price must not be less than 80% of the appraised value. After the appraised value is determined, the City Council must pass a resolution that must be published in the Olney Daily Mail. The resolution may direct the sale to be conducted by the staff, a local licensed real estate agency or by public auction. The sale must be approved by a 2/3 vote as long as the purchase price is at least 80% of the appraised value.

Mr. Taylor believed a better price could be received through a public auction because of competition. If sealed bids are received, bids can be rejected if they are not suitable to the Council. The cost of an appraisal would be approximately \$300 to \$400.

Councilman Foster asked if an auctioneer would have to be hired. Mr. Taylor answered no.

Councilman Ferguson preferred obtaining an appraisal and selling by auction. Councilman Foster also believed auctions are more profitable when selling farm land.

Councilwoman Thomas questioned how the proceeds from the sale will be used. Councilman Ferguson commented he would like to see the money used to purchase the fire truck which has been discussed. Councilman Foster agreed.

If the auction process is chosen by the Council, Mr. Taylor predicted the sale could take place in August.

Mayor Lambird questioned if the property will become more valuable in the future or could be used as a bargaining chip. Mr. Taylor commented there is always that possibility, but no one ever knows. This land could possibly be traded for land that could be used for city purposes.

Councilman Foster commented in the past the Council has discussed trading this land for land across the cove from the East Fork Lake boat dock, but he could not see this happening.

Councilman Foster moved to sell the 20 acres, determine the fair market value by appraisal and conduct a public auction. If the required purchase price is not received, bids will be refused.

Mr. Taylor explained the resolution will state the City will be going out for bids to sell the property, but it can also state the minimum price which will be accepted.

Councilman Foster suggested contacting prospective buyers of the upcoming sale.

Councilman Brown seconded Councilman Foster's motion. Councilmen Foster, Brown, Ferguson, Mayor Lambird and Councilwoman Thomas voted yes.

9-B "Discussion: New Wave Cable TV Franchise Renewal Request" Mr. Taylor explained he received a letter from New Wave requesting to extend or renew their current franchise. The current franchise expires in 2014. Federal regulations set time frames for renewing franchises well in advance. The renewal process must start 36 months in advance of expiration.

Mr. Taylor provided the Council with information regarding the formal and informal methods of renewing a cable franchise. Mr. Taylor explained both methods, but he believed the informal method is the most logical.

Councilman Foster requested that a New Wave representative be present at the next meeting to update the Council on the status of their progress to provide telephone, internet and high definition service.

Mr. Taylor explained if the franchise is not renewed, denial has to be justified.

The Council was in favor of an informal renewal method.

9-C "Ordinance: Amend City Council Meeting Order of Business" As a result of some discussion at the last meeting, the Council was provided with a proposed ordinance amending the order of business at the Council meetings. Mr. Taylor explained the proposed ordinance moves the public comments and presentations to the beginning of the meeting just after the consent agenda. Old business and new business have been combined. This will give the Council flexibility in the order of the various items depending on the anticipated attendance by the

public. The various reports by the Mayor and Council and appointed officials have also been combined.

Councilman Foster moved to pass Ordinance 2012-27, seconded by Councilman Ferguson. A unanimous voice vote was approved.

#### AGENDA #10 “OLD BUSINESS”

10-A “Ordinance: Prohibit Smoking in Alvin Musgrove Park” As a result of some discussion at the last meeting, Mr. Taylor drafted a proposed ordinance prohibiting smoking in Alvin Musgrove Park, except in specific parking lots.

Mr. Taylor suggested a clarification be made to the proposed ordinance. The state statutes regarding the Smoke Free Act only addresses buildings and entrances to buildings. There are specific fines attached to violations regarding buildings and building entrances. Since the swimming pool bathhouse and concession stand in Musgrove Park fall under the Smoke Free Act, Mr. Taylor suggested the proposed ordinance stipulate the Smoke Free Act violation fines. Signs will need to be posted in various areas of the park designating that smoking is not allowed except in the parking lots.

Councilman Foster moved to pass an ordinance prohibiting smoking in Alvin Musgrove Park as suggested by Mr. Taylor, seconded by Councilman Ferguson. Councilman Ferguson, Mayor Lambird, Councilwoman Thomas, Councilmen Foster and Brown voted yes. There were no opposing votes. The motion carried. Ordinance 2012-28 will be prepared.

10-B “Discussion: Parking/Handicapped Parking at Musgrove Park” Mr. Taylor explained some handicap parking spaces have been provided at Musgrove Park, but it has been suggested that additional handicap parking spaces should be provided. Any handicap parking spaces should be located in such a way that the travel area satisfies ADA requirements.

Concerning other additional parking, Mr. Taylor suggested that parking should be allowed on the south side of Florence between the ball diamond parking lot entrance and the circle drive as well as the south side of the employee parking area.

Mr. Taylor also addressed a problem of vehicles driving from the ball diamonds and pool to East Street on the sidewalk. The Police Chief has been made aware of this situation.

Mayor Lambird also believed there is a need for more handicap parking spaces. He suggested more handicap parking on Florence Street near the sidewalk that leads to the ball diamonds and also in the ball diamond parking lot.

Mr. Taylor will draft an ordinance for consideration at the next meeting.

10-C “Ordinance: Amend Section 5.12.180 Video Gaming Act Exception” The Council was provided with a proposed ordinance amending the liquor code concerning gambling. The

City liquor code prohibits gambling on any licensed premises. In order to permit the upcoming video gaming in these establishments, the City Code needs to be amended to specifically permit video gaming in accordance with the Video Gaming Act. The state has been working on implementing video gambling for some time. Video gambling maybe implemented by the state this winter.

Councilman Brown moved to pass Ordinance 2012-29, seconded by Councilman Ferguson. Mayor Lambird, Councilwoman Thomas, Councilmen Foster, Brown and Ferguson voted yes. There were no opposing votes. The motion carried.

The state will be notified of this change.

10-D “Discussion: Electric Aggregation” The City must make a decision regarding the placement of the electric aggregation referendum on the November ballot by August 19, 2012. The City will also need to decide whether to enter into an agreement with a consulting company to assist the City with the referendum and the procedural requirements after the referendum up to the approval of the electric supplier.

Mr. Taylor will be meeting with Tamika Cole from Ameren. Mr. Taylor has been trying to get some information regarding the kind of savings that customers might be able to see as well as the consultant fees that are incorporated into the rate structure. Stephen Thayer has indicated that the consultant fee is between 1% and 2% of the electric rate. Some communities are going together to negotiate an electric aggregation agreement. They have seen a savings of 29% for residential customers; however, this involves a large volume of usage. Depending on the consultant, the City residential usage may be able to be combined with other Ameren-served communities to benefit from a larger volume discount.

Electric aggregation can be done without a broker, but Mr. Taylor saw several advantages to using a broker. The broker will be interested in getting the referendum passed because their commission is dependant upon passage. The public needs to be educated about the referendum to make sure it is approved. Customers have the option to opt out of the program. The broker will also be familiar with the marketplace and certain conditions when going out for qualifications.

Mayor Lambird questioned the terms of the broker’s contract. Mr. Taylor explained they are typically for one to two years.

The Council was agreeable to allow Mr. Taylor to search for a consultant.

10-E “Resolution: Authorize OSLAD Grant” If the Council wants to proceed with the OSLAD grant, a resolution of authorization needs to be approved. Frank Bradley has been working with Miracle Equipment to develop a cost estimate and plan for playground equipment for the City Park. Mike Mitchell has been working on plans for remodeling the restrooms in the Community Building and meeting ADA requirements. A drawing was included in the Council packet that shows how the restrooms might look. The remodeling would involve the

construction of new ADA compliant restrooms. A part of the dressing area would be used for the restrooms. Another option might be the construction of a new restroom building. To be eligible for the OSLAD grant, the restroom project must be related and incidental to some kind of outdoor recreation, for example a playground.

The estimated cost for the playground equipment was \$89,251.00 plus \$16,000 for city labor. Mike Mitchell submitted a memo regarding the remodeling of the Community Building restrooms. His estimate to install handicap accessible restrooms was \$64,300.00. The primary purpose of the OSLAD grant would be the playground with the restrooms considered an accessory to the outdoor facilities. Brandi Stennett is assisting Greater Wabash Regional Planning Commission in gathering information for the grant. GWRPC will submit the grant at the end of June.

Councilwoman Thomas expressed reservations with including the restroom remodel with the grant. She questioned spending that amount of money on a building that may be more costly to remodel than build a new building.

Councilman Foster asked Mr. Mitchell to estimate the cost to replace the entire building. Mr. Taylor reported that the existing building is 5,514 square feet. Mr. Mitchell estimated \$65 per square foot to rebuild or \$358,410. This cost did not include kitchen appliances.

Councilwoman Thomas expressed concern with spending this type of money on the Community Building when the City does not have enough money to replace sidewalks for public safety reasons. She felt more comfortable applying for a grant for the playground equipment only.

Councilman Foster discussed the possibility of building a new building for the restrooms only with the hopes of replacing the entire building in the future.

Lighting was not included in the playground grant proposal. The existing lighting is being refurbished and will be reinstalled after the fall festival.

Councilman Ferguson moved to approve the OSLAD grant application for the playground equipment only, Resolution 2012-R-47, seconded by Councilman Foster.

Councilman Brown commented that the grant application does not identify what playground equipment will be taken out. Mrs. Stennett explained any equipment that does not meet standards will be removed. Councilman Brown wanted to keep as much of the old playground equipment as possible.

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

10-F "Ordinance: Authorize Promissory Note for Fire Truck" Mr. Taylor prepared a proposed ordinance authorizing the execution of a promissory note with the First national Bank

in Olney for a loan of \$328,081.07 over a five-year period with an interest rate of 2.3%. The principal will be paid in five equal installments of approximately \$65,616.22. Accrued interest will be paid on an annual basis along with the principal. The estimated total interest during the five-year period is \$22,707.88; however that amount will be reduced if the City is able to apply the entire \$125,000 from the County to the principal when it is received.

Mr. Sanders reported to the Council that all four local banks were approached concerning this loan. Three responses were within a timely manner. The suggested proposal was the lowest interest rate. Today the fourth bank presented a proposal for 2.25% and a \$125 commitment fee. The loan would also be contingent upon approval. Mr. Sanders calculated the difference in interest rates and commitment fee would only be a savings of \$375 over the five-year term of the loan. Mr. Sanders explained the proposed loan has already been approved by the bank and is not contingent upon any other approvals.

Councilman Foster moved to pass Ordinance 2012-30, seconded by Councilwoman Thomas. Councilmen Foster, Ferguson, Mayor Lambird and Councilwoman Thomas voted yes. Councilman Brown abstained. There were no opposing votes. The motion carried.

10-G “Discussion: Code Enforcement” The Olney Police Department has been stepping up code enforcement efforts. There has been some mention of a municipal court. Mr. Taylor explained how that system would work. This process would require a hearing officer and prosecutor, and both have to be attorneys. The City would be responsible for setting court hearing dates, hearing testimony, rendering written decisions and issuing fines. The defendant has 35 days to appeal the decision to the circuit court. If the decision is appealed, it will then be heard by the circuit court. If 35 days pass, but the fine is not paid, fine enforcement will have to also be handled by a civil court.

Mr. Taylor saw more advantages to initiating a settlement procedure. Settlement amounts go directly to the City. There would be an incentive to paying directly to the City instead of going to court. The settlement procedure would provide the City with additional revenue without any additional costs.

If the Council is in agreement, Mr. Taylor will provide them with a settlement procedure proposal to be considered at a future meeting.

Police Chief Brown reported that since the last meeting his department has issued nine new warnings concerning junk and junk vehicles.

The Council was willing to allow Mr. Taylor to proceed in a way that he thinks best concerning code violations.

10-H “Discussion: Logo Development” At the May 14, 2012 Council meeting, the Council agreed to pursue the creation of a new city logo. The Tourism Bureau is able to fund 15% of this project and the remaining 85% could be funded through the City’s Tourism Fund. The Tourism Bureau recommended Craig Martin Simon Design. A proposal was requested from Mr. Simon.

A copy of his proposal was included in the Council's packet for review. The total project budget estimate is \$1,550 which will include conceptual development of five initial sketches, design refinement of one selected logo and preparation of final artwork provided in all required reproduction formats. The time frame to develop a logo could take between two weeks and two months depending on how well objections can be defined. The answers to the questionnaire included in the proposal will help him develop a logo.

The Council believed there were several local artists that would be capable of creating a logo. They suggested that the public submit logo designs, and \$500 would be paid for the best design. Details concerning this contest will be established and advertised.

#### AGENDA #11 "PUBLIC COMMENTS/PRESENTATIONS"

11-A "Illinois Smoke Act" Brian O'Neill stated he was responsible for fixing the City's smoking ban. He also stated that the County's ordinance is in violation and expected the City's was also in violation. Mr. O'Neill read a portion of the Illinois Smoke Free Act.

AGENDA #12 "REPORT FROM THE MAYOR" Mayor Lambird noted that a group of 18 veterans will be riding bicycles coast to coast through Olney on July 8. He suggested that a police escort or fire truck escort be provided. He also encouraged citizens to welcome them to town.

Mayor Lambird noticed that City crews have starting painting curbs on Main Street. He complimented their work.

#### AGENDA #13 "REPORTS FROM CITY COUNCIL MEMBERS"

Councilman Foster questioned if a plan has been developed for the ball diamonds in the City Park. He questioned what will be done with the fencing, lights and materials that were left at the diamonds. Mr. Taylor knows the Richland County Fair Board is interested in some of the lights, but he was not sure about the fencing. The White Squirrel Saddle Club has also expressed an interest in some of the materials.

Mr. Taylor explained the Fair Board lease expires in October. The lease could be negotiated that it will be the responsibility of the Fair Board to clean up the area or the City could allow interested parties to obtain what they want.

Mayor Lambird commented the mens' softball league is interested in some of the items so they can rehabilitate the Rotary Park field.

Councilman Foster asked if Mr. Taylor has had an opportunity to see if the City insurance will insure the Angle of Hope statue. Mr. Taylor reported it should cost less than \$50 if the statue is owned by the City. The Angel of Hope committee is willing to sign a bill of sale to transfer ownership to the City.

Councilman Foster recognized Mission Olney for the community service work they recently did at several different locations in Olney.

Councilwoman Thomas questioned if any progress has been made to organize a leaf pickup program. Mr. Taylor reported that several months ago a used leaf vacuum was found. This machine is still available for \$7,500. A similar new piece of equipment would cost \$20,000.

Councilman Foster would like to see the City move forward with a leaf pickup program. Mr. Taylor commented that money was budgeted for equipment purchase and personnel. The Council needs to decide if a total burning ban will be enforced or the limiting of burning hours. Councilman Foster believed only leaves should be banned from burning.

Councilman Thomas commented the City needs to start getting a plan into place.

Councilman Brown questioned the status of the bike path project. Mr. Taylor will be making a change to the last easement agreement to address an issue of the property owner. Once this easement is completed, easements will be available from Mack Avenue to Shurron Drive and bids can be sought.

At this time the sidewalk is planned to be 8' wide. Depending on how the sidewalk is constructed, slip or formed, it may or may not cost the City additional money. The Council questioned if city crews could lay the sidewalk. Mr. Taylor believed it would be a big challenge for city crews to complete the sidewalk with all of the other projects which are planned this summer.

Councilman Ferguson questioned if any more work has been done to move the gun range. Mayor Lambird commented he has not heard any more from the National Guard. He will follow up.

AGENDA #15 “CLOSED SESSION: APPOINTMENT, EMPLOYMENT, COMPENSATION, DISCIPLINE OR PERFORMANCE OF SPECIFIC EMPLOYEES” Councilwoman Thomas moved to adjourn to closed session to discuss appointment, employment, compensation, discipline or performance 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 City Clerk Henton left the Council Chambers at 9:18 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 Councilman Ferguson. A majority voice vote was received. Open session resumed at 9:40 p.m.

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

Mayor Lambird was approached by an individual regarding the possibility of allowing side by sides on city streets. Newton, Illinois currently allows side by sides and licenses them. Police Chief Brown commented side by sides are no less safe than motorcycles.

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

The meeting of the City Council adjourned at 9:42 p.m.

Belinda C. Henton  
City Clerk