

CITY OF OLNEY
CITY COUNCIL MEETING
MAY 23, 2011

AGENDA #1 “CALL TO ORDER” The May 23, 2011 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. Brett Best 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 Randy Bukas, City Attorney Larry Taylor, City Treasurer Brad Yockey, City Engineer Roger Charleston and City Clerk Belinda Henton.

AGENDA #4 “PRESENTATION OF CONSENT AGENDA”

- 4-A Approve Minutes of Council Meeting on May 9, 2011
- 4-B Approve and Authorize Payment of Accounts Payable May 24, 2011-Pooled Cash \$103,664.26
- 4-C Raffle License Application-Star Studio Competition Tumblers
- 4-D Raffle License Application-Petroleum Club of Olney
- 4-E Raffle License Application-Eagle Riders Aerie 2549
- 4-F Approve Free Swim Days at Musgrove Aquatic Center-June 18 and August 6, 2011

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 Ferguson. A unanimous 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” Mr. Bukas reported there have only been one medical workmen’s compensation claim and one property damage claim in 2011.

The Musgrove Aquatic Center will be ready to open on May 28. The new grates have been installed. The pool has been filled with water and chemicals are now being added. Also a few shingles are being replaced on the bathhouse roof.

Use agreements for using the City Park and Musgrove Park have been sent to Olney Little League, Richland County Girls Softball, Richland County Babe Ruth, Richland County Men’s Softball, Richland County Youth soccer and Olney Junior Pro League Flag Football.

Work on Sarah Drive continues. Plans are being prepared for the reconstruction of S. Van Street from Main Street to Chestnut Street. Bids should be presented at the July 25 Council meeting.

The next meeting of the Richland County Multi-Hazard Mitigation Plan will be on June 8 at the Richland County Detention Center.

Mosquito spraying will start on Wednesday, May 25. All areas of the city will be sprayed twice per week on Mondays and Wednesdays beginning at 9:00 p.m.

Mr. Bukas has had correspondence with State Senator Jones. The state is having some difficulties trying to adopt a budget. They are looking at cutting money which the cities and counties currently receive. Senator Jones has responded to Mr. Bukas indicating he is not in favor of cuts to local governments and understands the importance of those revenues.

8-B “City Manager - Wetlands Request” Dan Colwell, Richland County Engineer, has contacted the City concerning 8.5 acres of productive farm land the City owns on the west side of the Water Treatment Plant. The County will be rebuilding and expanding the bridge over Fox River on Mt. Gilead Road. Because the expansion will interfere with some of the wetlands in that area, the Army Corps of Engineers is requiring a wetlands mitigation plan before the County can proceed. The County is interested in purchasing the 3.51 acres on the west side of the 8.5 acres. Currently, the City receives approximately \$1,000 per year in rent for the entire 8.5 acres. Mr. Bukas recommended that the City take the entire 8.5 acres out of production and bank the additional 5 acres for future use. At this time there are no specific plans for the banked wetlands, but the City may need it for development of the East Industrial Park, the expansion of U.S. 50 or the new bridge over Route 130.

The Council was in agreement to proceed to work with the County on this request.

8-C “City Manager - KidZone Pool Request” KidZone has requested a discount daily rate for their children and waive the fee for teachers attending with the children. They anticipate bringing two groups of approximately 20 school-aged children weekly. On occasion they would like to bring a younger group, but not on a weekly basis. The City has approved a discounted rate of \$1.50 per child and free entrance for the teachers for the last several years.

Councilman Ferguson moved to approve the discounted rate of \$1.50 per child and waive the adult fee for the teachers, seconded by Councilman Foster. Councilmen Brown, Ferguson, Mayor Lambird, Councilwoman Thomas and Councilman Foster voted yes. There were no opposing votes.

8-D “City Treasurer - Financial Report” Mr. Yockey presented his monthly financial report. As of April 30, the total revenues minus expenses for General Corporate was \$11,300.05 compared to a year ago of \$111,276.72.

The total revenues minus expenses for the Water Fund was \$160,059.13 compared to a year ago of \$33,202.35.

The total revenues minus expenses for the Sewer Fund was \$154,570.64 compared to a year ago of -\$78,292.02.

Mr. Yockey noted some items of interest. As of April 30, 2011, the total sales and use tax was \$1,659,683.35 as compared to the same time last year of \$1,559,294.26. The sales and use tax budget is \$62,683.35 above budget for the year.

Income tax as of April 30, 2011 was \$738,547.97 compared to a year ago of \$514,290.66 which is \$53,547.97 above budget for the year.

Telecommunications tax as of April 30, 2011 was \$175,872.54 compared to last year of \$180,773.17 which is \$16,627.46 below budget for the year.

The net change for the sales and use tax, income tax and telecommunications tax is \$99,603.86 above budget for the year.

As of April 30, 2011, the City's annual crop income was \$74,375.36 compared to \$43,823.27 for the previous year.

The Motor Fuel Tax fiscal year allocation was \$219,256.54 compared to \$216,334.59 for the previous year. The City did receive an MFT bonus (Illinois Jobs Capitol Bill) of \$37,482.00 which was not included in the allocation.

The hotel/motel tax for the fiscal year was \$37,322.42 compared to last fiscal year of \$38,503.71. This year's receipts were \$1,877.58 below budget.

The Council also received a spreadsheet detailing General Corporate, Water and Sewer year to date revenues and expenses compared to last year.

AGENDA #9 "NEW BUSINESS"

9-A "Request: Extend Republic Services Franchise Agreement" Camelia Kessel addressed the Council concerning the extension of the sanitary waste franchise agreement. Republic proposes utilizing 96-gallon containers that are on wheels. Each customer will receive two, 96 gallon containers. They would not charge the City or the customers extra for utilizing these containers. In return, Republic would like to extend their franchise contract for an additional three years, until February 2016, at the current rate. As currently provided in the franchise agreement, Republic would be eligible for an annual consumer price index adjustment each year. Republic currently charges the City \$6.49 per single family household per month. They have not increased their fee to the City since 2006. The City of Olney customers pay one of the lowest rates in the area. If customers require more than two containers, Republic will provide another container for \$5.00 per month and they would directly bill the customer.

Mr. Bukas requested Republic to provide a quote for curbside recycling and leaf removal. Mrs. Kessel explained curbside recycling can be provided to all customers along with a 64-gallon waste cart for co-mingled recycling every other week for \$2.00 per month. If they offer the same service to the approximately 1,200 customers which currently participate in curbside recycling, Republic would charge \$2.65 per home. Recyclables would be taken to Secure Processors.

Republic can also provide leaf removal to all customers during the months of September, October, November and December for \$2.75 per month. Leaves would have to be bagged. Leaves would be mulched and spread on farm ground by Republic.

Mrs. Kessel explained containers would be made available immediately, but Republic's goal is to use an automatic side loader truck within 12 months which will eliminate the driver from leaving the truck to dump the containers. This will lessen the risk of injury and liability.

Before a decision is made, the Council would like to hear feedback from the public.

9-B "Resolution: Accept Bid for Trailer Mounted Brush Chipper" Three bid specification packets were sent out to vendors for the purchase of a trailer mounted brush chipper. Two bids were received. The low bid was from Vermeer of Missouri and Illinois in the amount of \$28,382. The current budget includes \$30,000 for this purchase. After reviewing the bids received, Frank Bradley, Public Works Supervisor, recommended purchasing the chipper from the lowest bidder with all the options bid. The delivery of the chipper can be expected within two weeks.

Councilman Ferguson moved to approve Resolution 2011-R-32, seconded by Councilman Brown. Councilman Ferguson, Mayor Lambird, Councilwoman Thomas, Councilmen Foster and Brown voted yes. There were no opposing votes.

9-C "Resolution: Accept Bid for Street Sweeper" Three bids were recently received for the purchase of a street sweeper. Key Equipment bid an Elgin street sweeper with a base price of \$173,225 including the trade-in of the current street sweeper. EJ Equipment bid a Tymco with a Freightliner chassis in the amount of \$175,248 including the trade-in. They also provided an alternative bid with an International chassis in the amount of \$172,298 including a trade-in. Woody's Municipal Service Sales bid a Schwarz street sweeper in the amount of \$170,759 including the trade-in. The current street sweeper is a Schwarz. During demonstrations the Schwarz did not perform nearly as well as the other two brands. Schwarz and Tymco did not meet bid specifications.

After reviewing the bids, Public Works Supervisor Frank Bradley recommended the purchase of the Elgin street sweeper from Key Equipment along with the options included in the bid specifications.

Councilman Foster clarified that the street sweeper did not have a vacuum option for picking up leaves. Mr. Bradley answered that was correct, but next year the Sewer Department

is considering the purchase of a truck that will have a vacuum system which will be used to clean catch basins. It is not recommended to use a street sweeper as a leaf vacuum.

Councilman Foster moved to approve the purchase of the Elgin street sweeper from Key Equipment along with the options included in the bid specifications, seconded by Councilman Brown. Mayor Lambird, Councilwoman Thomas, Councilmen Foster, Brown and Ferguson voted yes. There were no opposing votes. The motion carried. Resolution 2011-R-33 will be prepared.

9-D “Recommendation: Appointments to The Tourism Bureau IllinoisSouth Board” As previously agreed, Richland County has joined the Tourism Bureau IllinoisSouth to represent and promote tourism in Richland County. Two directors from Richland County need to be appointed to represent Richland County on the Tourism Bureau IllinoisSouth Board. Mr. Bukas requested that the City Council recommend to the Richland County Board the appointment of Belinda Henton and Julie Schrey to the Tourism Bureau IllinoisSouth Board.

Councilman Ferguson moved to recommend to the Richland County Board the appointment of Belinda Henton and Julie Schrey to the Tourism Bureau IllinoisSouth Board, seconded by Councilman Thomas. Mayor Lambird, Councilwoman Thomas, Councilmen Foster, Brown and Ferguson voted yes. There were no opposing votes. The motion carried.

9-E “Request: Expenditure for White Squirrel Festival” Mayor Lambird reported a committee has been formed to organize a white squirrel festival on June 16, 2012. At the committee’s last meeting, they decided to book the band Little Texas for entertainment during the festival. A deposit of \$4,500 is needed to book the band which is one-half of the total cost for the band. Included in the Tourism budget is \$5,000 for the white squirrel festival. The committee intends to solicit donations from businesses to fund the other half of the band.

Councilman Foster moved to approve an expenditure of \$4,500 from the Tourism Fund to book Little Texas for the white squirrel festival, seconded by Councilman Brown. A unanimous voice vote was received.

9-F “Ordinance: Amend Liquor License Code” Two revisions are being recommended for approval to the liquor code. The first revision deals with how the City defines a restaurant as having 75% of its gross receipts from the sale of food. It was suggested instead of comparing gross receipts, purchases should be used to ascertain whether an establishment is meeting the requirements as a restaurant. It was suggested that the Illinois ST-1 tax form be provided to document the purchase of liquor and food invoices from vendors to document food purchases.

Also, since taverns and restaurants have been divided into three different classes, a revision is needed to the number of licenses that are authorized in the Municipal Code for each class.

Councilman Thomas questioned why “without sleeping accommodations” was necessary in the definition of a restaurant. Mr. Taylor agreed it was not necessary. The Council agreed to remove that phase from the definition.

Councilman Foster moved to pass the proposed ordinance deleting “without sleeping accommodations” from the restaurant definition, seconded by Councilman Brown. A unanimous voice vote was received. Ordinance 2011-22 will be prepared.

AGENDA #10 “OLD BUSINESS”

10-A “Discussion: White Squirrel Saddle Club Lease” Another revised lease between the City and the White Squirrel Saddle Club was presented to the Council for review.

Mr. Taylor reviewed the changes. The lease requires that prior to the expiration of each term, approval is required from the Council to renew the lease for an additional 5-year term.

Also changed was the language regarding use of the premises being leased by other organizations, corporations, associations or individuals for specific events. The lessee may permit the use for specific events, but permission will not be unreasonably withheld provided that such organizations, corporations, associations or individuals carry and maintain the required liability insurance.

The White Squirrel Saddle Club has not reviewed the latest revision of the lease. The Council was in agreement to forward the proposed lease to the club.

It was made clear that this lease does not cover the range house or the trails. The trails are open for public use.

10-B “Discussion: Cruelty to Animals” Councilman Foster recently met with members of the public to discuss cruelty to animals. They discussed the proposed ordinance and suggested a few changes. The revised ordinance was provided to the Council.

Councilman Foster moved to approve the proposed ordinance.

Councilman Foster stated that some of the issues are covered under state statutes, but he did not feel they were spelled out completely. Having a less ambiguous ordinance would help the animal control officer.

Mayor Lambird asked if the state statutes are being enforced. Ms. Millman answered yes, and commented this ordinance is needed to go along with the tethering ordinance.

Councilwoman Thomas seconded Councilman Foster’s motion. Councilman Ferguson, Mayor Lambird and Councilman Brown voted no. Councilwoman Thomas and Councilman Foster voted yes. The motion failed.

AGENDA #11 “Public Comments/Presentations”

11-A “Brian O’Neill - Smoking Laws” Brian O’Neill expressed his concern with several businesses not displaying the no smoking sign on their front door. If the City fails to enforce this law, he will bring an injunction against the City.

11-B “Ed Cline - Richland County Athletic Association” Ed Cline addressed the Council concerning the maintenance of the Musgrove ball diamond for the men’s softball league. He questioned if the City or the league is responsible for dragging and chalking the field.

At this time materials have not been applied to the infield. Mr. Bradley asked if the diamond is supposed to be used since it is not completed. Mr. Bukas indicated people are using the diamond.

Mr. Cline indicated the men’s league will be sponsoring a preseason tournament on June 4 at Musgrove Park. He asked if the diamond could be chalked and drug before the tournament. Mr. Cline thanked Councilman Brown for trash cans and a picnic table which he had placed at the diamond. Mr. Cline asked if the men’s league could recycle the cans and bottles from the diamonds they use and put the money back into the league’s treasury. They are willing to provide their own recycling containers. The Council was not opposed to this idea.

Mr. Cline also asked for approval to use the Musgrove ball diamond every Saturday after Labor Day through the last Saturday in October for men’s league football. Mr. Cline indicated no spikes would be used. The Council did not have a problem with the league using the outfield for this football league as long as the grass is not damaged. Mr. Bukas pointed out they would need to sign a use agreement with the City and provide liability insurance. Mr. Cline has already checked into obtaining insurance for football.

Mr. Bradley requested a schedule of games. Mr. Cline specifically asked if the Musgrove diamond would be drug and chalked at least once every three weeks.

Councilman Brown suggested that the Musgrove diamond be drug occasionally in the spring which would benefit the Little League teams during practice.

Susie Bromm asked the Councilmen that voted against the proposed cruelty to animals ordinance what their objections were to the ordinance. Councilman Brown believed there were state laws that cover a majority of the ordinance. Mrs. Bromm replied that the proposed ordinance would make the animal control officer’s job easier. Mrs. Bromm would like to see sufficient pen sizes for animals.

Councilman Ferguson responded to Mrs. Bromm’s question. He believed the citizens are being over regulated. Police Chief Chaplin provided the Council with a memo of state statutes which already cover a lot of the same issues. Councilman Ferguson believed Ms. Millman needs to enforce the state laws.

Councilman Foster left the meeting at 8:44 p.m. and returned at 8:46 p.m.

Mayor Lambird believed there is a problem with enforcement. He asked if Mrs. Millman enforces the state statutes because she is not enforcing the City’s cat ordinance. Mayor Lambird asked when the law is not specific, what standard is used. Mr. Taylor commented it would be up to the judge.

Mrs. Bromm asked if the Councilmen would be willing to reconsider any of these issues. Councilman Ferguson commented he is always willing to reconsider the issues with revisions, but still believes the state statutes should be enforced.

Elizabeth Craig asked if the Council would consider passing an ordinance restricting residents from blowing lawn debris into the streets. Mr. Bradley agreed there are many that do this and it does cause problems with the storm sewers. The new street sweeper will help with this problem, but he does not expect delivery until August.

Brian O'Neill commented on animal cruelty.

AGENDA #12 "REPORT FROM THE MAYOR"

12-A "Appointments to Various Boards and Commissions" Mayor Lambird had no appointments to recommend at this time.

12-B "Restaurant Inspections" Mayor Lambird has forward information from the Clay County Health Department to Mr. Taylor concerning restaurant inspections. Mayor Lambird felt the guidelines Clay County follows are too extensive for Olney. They inspect everyone that sells prepared food and prepackaged food. Mr. Taylor commented that Clay County categorizes their establishments into three categories; high risk, medium risk and low risk. There are criteria for each category. High risk establishments are inspected three times a year, but medium and low risk establishments are inspected one time a year. They do not inspect schools or nursing homes because they are inspected by the state. Mr. Taylor questioned what types of establishments the Council wants to inspect.

Councilman Brown suggested inspecting establishments that provide food for sale to the general public for a specific period of time.

Mayor Lambird suggested that a representative from the Clay County Health Department speak to the Council to answer questions. No comments have been heard from the public concerning this matter. The Richland County Board has also discussed this matter, and according to Brian O'Neill the County is willing to work together with the City.

AGENDA #13 "REPORTS FROM CITY COUNCIL MEMBERS" Councilman Foster questioned the status of the Maple Dale Cemetery extension. The layout has been approved by the Council, but drainage still needs to be checked and corrected in a few places.

Councilman Foster updated the Council on the JEDS Board meeting. So far they have had three meetings. During the last meeting the board came to an impasse concerning the appointment of a director for combined dispatch. Richland County Sheriff Andrew Hires received two resumes for the position; one from Dennis Poland who is currently employed at the

Olney Police Department and Mandy Brown who is currently employed by the Richland County Sheriff's Department. According to the JEDS agreement, the Sheriff makes a recommendation to the JEDS Board for the director. Sheriff Hires recommended Mrs. Brown, but the board voted three to two not to appoint Mrs. Brown as director. After reviewing the resumes, the majority of the Board believes that Mr. Poland is considerably more qualified, but Sheriff Hires refuses to nominate Mr. Poland. It was suggested by the Board to advertise for the position.

Councilman Foster asked for direction from the Council. He offered his resignation if the Council wanted to appoint someone to the Board that will agree to everything Sheriff Hires wants.

Councilwoman Thomas asked Sheriff Hires his reason for hiring Mrs. Brown. Sheriff Hires explained Mrs. Brown has the most seniority, has experience with budgets, reporting and supervision. Sheriff Hires stated he is not willing to advertise for the position because it would not be easy to fill the position with someone with no experience with how the City and County run, and it would not be fair to the employees. Sheriff Hires also stated the position of director needs to be a member of the union. Otherwise, the union contract would have to be renegotiated.

Sue Travous, JEDS Board Chairwoman, originally understood Sheriff Hires would nominate both individuals so the Board could vote.

Councilman Foster elaborated on Mr. Poland's qualifications. He has worked for RMH Ambulance Service, Wabash Ambulance Service, implemented policies and procedures, handled budgets and started an ambulance service building program. While Mr. Poland has been an employee of the City, he has trained three new telecommunicators. Councilman Foster could not see a comparison between the two applicants. Councilman Foster believes Mrs. Brown does a good job, but does not have the experience that Mr. Poland possesses. It was Councilman Foster's opinion for combined dispatch to succeed, they need someone to get the job done without on the job training.

Mayor Lambird stated he does not feel the Council has any business making this decision because they do not know the full background on either person.

Mr. Taylor was consulted about the agreement. Mr. Taylor explained a majority of the board is needed to appoint the director. There are no other provisions on how to resolve the matter.

As a compromise Sheriff Hires proposed allowing Mr. Poland to be the assistant director.

Councilman Foster did not see a need for an assistant director.

Sheriff Hires asked if Mr. Poland was so qualified why is he not currently the supervisor. Police Chief Chaplin explained the Police Department already had a supervisor when Mr. Poland was hired.

Councilman Foster was concerned that Mrs. Brown was being set up to fail.

Councilman Brown moved to recess for 15 minutes, seconded by Councilman Foster. A unanimous voice vote was received. The Council recessed at 9:24 p.m.

Councilman Brown moved to return into open session, seconded by Councilman Ferguson. A unanimous voice vote was received. The Council returned into open session at 9:31 p.m.

Mayor Lambird suggested that the Council wait until the next meeting to make a decision to see if the JEDS Board can come to an agreement. In the meantime the Council can do some investigation into each applicant in order to make a more informed decision.

Councilman Foster stated Sheriff Hires does not want to consider anyone else beside Mrs. Brown. He did not see any way around the impasse unless the JEDS Board amends the agreement. He suggested that the Mayor appoint someone else to his position on the JEDS Board.

The County Board has been informed of everything that is going on with the JEDS Board.

Councilman Brown asked if waiting two weeks will cause a problem. Sheriff Hires explained he was going to hire a telecommunicator because his department is down to three.

Councilman Foster did not feel the supervisor should be within the union. Sheriff Hires explained according to their current contract no one below the Sheriff can be outside the union. It would be hard to hire someone from outside with all of the qualifications Councilman Foster wants with the starting pay at the bottom of the pay scale. He did not think it was reasonable or right to hire someone from outside.

Sheriff Hires suggested not appointing a director and allowing him to assume the position. The JEDS agreement requires a director. Police Chief Chaplin disagreed with Sheriff Hires filling that position because he is a JEDS Board member.

Sheriff Hires explained he does not want combined dispatch to fail and whoever he selects will reflect directly upon him.

Mayor Lambird suggested advertising for the director's position for two weeks. Sheriff Hires agreed. He then stated he will hire someone for a telecommunications position within two weeks. The addition of another telecommunicator will make the ninth person that will reduce the combined dispatch savings.

Councilman Foster believed it would be worthwhile to advertise in Olney and other newspapers in the area. Sheriff Hires pointed out the employee must live in Richland County if hired.

Jeremiah Brown asked if it is the City Council's decision to advertise or the JEDS Board's decision. Mayor Lambird explained it was the City's suggestion to advertise.

Councilwoman Thomas received a weed complaint about 709 S. Morgan. City Clerk Henton reported the owners have been issued a warning and given 10 days to take care of the weeds, but nothing was done. Someone has now been hired to mow the property.

Councilman Brown has received some complaints from residents in the 600 block of S. Washington. Last year this area was oiled and chipped, but they do not feel it has held up very well. Staff was requested to look at that area to see if something was done wrong.

AGENDA #14 "CLOSED SESSION: COLLECTIVE NEGOTIATING MATTERS" Councilman Foster moved to adjourn to closed session to discuss collective negotiating matters, seconded by Councilman Brown. A unanimous voice vote was received.

Councilmen Foster, Brown and Ferguson, Councilwoman Thomas, Mayor Lambird, City Manager Bukas, City Attorney Taylor and City Clerk Henton left the Council Chambers at 9:50 p.m.

AGENDA #15 "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 unanimous voice vote was received. Open session resumed at 10:29 p.m.

AGENDA #16 "ACTION ON CLOSED SESSION" No action was taken as a result of the closed session.

Mayor Lambird congratulated Councilman Ferguson on his new grandson Rome.

AGENDA #17 "ADJOURN" Councilman Brown moved to adjourn, seconded by Councilman Ferguson. A unanimous voice vote was received.

The meeting of the City Council adjourned at 10:30 p.m.

Belinda C. Henton
City Clerk