

**CITY OF OLNEY  
CITY COUNCIL MEETING  
MAY 29, 2012**

- 1. Call to Order** - The May 29, 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.
- 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.
- 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 and Deputy City Clerk Cindy Harlan. City Engineer Roger Charleston was absent.
- 4. Presentation of Consent Agenda**
  - 4-A Approve Minutes of Council Meeting on May 14, 2012
  - 4-B Approve and Authorize Payment of Accounts Payable May 30, 2012 - Pooled Cash \$173,604.46
  - 4-C Ordinance: Sale of Personal Property-Recycle Scrap Metal (Ordinance No. 2012-25)
  - 4-D Raffle License-Petroleum Club of Olney
  - 4-E Raffle License-P.E.O. Chapter FR
  - 4-F Raffle License-MS Join the Movement
- 5. Removal of Items from Consent Agenda** - There were no items removed from the consent agenda.
- 6. Consideration of Consent Agenda** - Councilman Brown moved to approve the consent agenda as presented, seconded by Councilwoman Thomas. The consent agenda was approved by a majority voice vote.
- 7. Consideration of Items Removed From Consent Agenda** - There were no items removed from the consent agenda.
- 8. Staff Reports**
  - 8-A City Manager - Status Report** - City Manager Taylor advised the MFT bid opening is set for June 14<sup>th</sup> for materials for concrete replacement and the oil and chip program. There is the possibility that a special meeting will need to be scheduled to approve the bids, however, City Engineer Charleston is checking with IDOT about the possibility of going ahead and purchasing the materials if the bids are less than the expected amount and to formally approve the bids at the June 25<sup>th</sup> Council meeting.

A request was received from Phil Dompe for 16,000 gallons of water and the use of a fire hydrant for a mud run as a wrestling fund raiser. The Chauncy Fire Department is letting them use a tanker for the event that will be held in Richland County. The water is valued at \$58. Concern was expressed about the possible consequences if the fire hydrant is not turned on and off properly. It was recommended that a fire hydrant not be used for this purpose. The Council was in agreement to donate the water if there is a suitable means to provide the water.

A letter was received from New Wave requesting extension of the current franchise agreement which expires November 25, 2014. A 10 year extension is requested. The current franchise may be extended or the City may go through the procedures for renewal. City Manager Taylor will review the statutory requirements on franchises.

Jim Pottorff met with City Manager Taylor and expressed interest in doing some striping on the four tennis courts nearest the creek at the City Park for pickle ball. Pickle ball courts are smaller than the traditional tennis court. The Council was in agreement to allow the striping as long as it doesn't create any problems for tennis matches. A tape could be used that isn't permanent to see how it works out. City Manager Taylor will make some contacts with the various tennis groups.

**8-B City Manager - Small Blessings Pool Request** - A request was received from Small Blessings Christian Child Development Center for a discounted rate at the swimming pool. Councilman Foster moved to approve a rate of \$1.50 per child, seconded by Councilwoman Thomas. Councilmen Foster, Ferguson, Mayor Lambird and Councilwoman Thomas voted yes. Councilman Brown abstained. The motion carried.

## **9. New Business**

**9-A Update: Rotary Park and Request to Remove Ball Diamond Fence** - This item was postponed.

**9-B Request: New Gate for Gun Range Road** - Al Zellmer presented his request for a gate and a sign to be installed at the entrance to the trails and proposed a small parking area be established at the entrance area. Aaron Mowrer, who has been instrumental in the design and development of the trails, presented a drawing of the location of the trails. Mr. Mowrer suggested a picnic table in this area would be beneficial.

Councilman Ferguson stated the trails are very nice, and if the City puts in a parking lot and signs, it would be a nice addition to the City. He stressed that he doesn't want this to be a single use facility and encouraged Al and the other volunteers to work with the City.

The Council was in agreement that Mr. Zellmer should consult with City Manager Taylor and Mike Mitchell to determine how large of a parking area should be developed and then prepare a cost estimate to (1) develop the parking area, (2) install a gate, and (3) purchase a sign to be installed at the entrance to the trail area. Once these estimates are ready, they should be given to City Manager Taylor.

Mr. Ferguson requested that Mr. Zellmer update the drawing that was prepared by Roger Charleston so that the drawing is current as to what has been developed at the facility. Mr. Zellmer stated he would try to get that done and get the information to Mr. Charleston.

**9-C Discussion: Water Service for Angel of Hope** - Cheryl Ginder informed the Council that landscaping is being planned for the Angel of Hope area in Musgrove Park. A professional landscaper prepared a landscaping plan, however, in-ground irrigation on public property is cost prohibitive, so the landscaping plans will have to be scaled back. Mrs. Ginder inquired if the City has a trencher that could be used on the project. The City does not. She also asked if the City was willing to have some type of faucet or fire hydrant in the area. Pursuant to the agreement with the Angel of Hope, the organization is to bear the cost of providing water and electric service to the Garden. The City is required to pay the utility bills for the water and electrical service. Mrs. Ginder was advised to work with City Manager Taylor and Water Distribution Supervisor Tom Umfleet as to the best place to tap into for water service. There is electrical service available at the basketball courts.

Mrs. Ginder also asked if the City was willing to insure the statue of the angel. The insurance policy to cover the angel is over \$500 per year. The statue is insured for \$14,500. City Manager Taylor will check into what it would cost for the City to insure the angel.

**9-D Discussion: Electric Aggregation** - City Manager Taylor stated there were approximately 300 referendums on electric aggregation in the March primary. Most referendums passed, many with approximately 85% voting in favor. Those communities are continuing in the process with public hearings and the development of plans and proposals. A group of 50 communities put together by a consulting company went out for bids and were able to lower costs significantly for almost 250,000 customers. The deadline to get this referendum on the November ballot is August 19<sup>th</sup>. An appropriate ordinance and resolution will have to be passed by the City Council and the information provided to the County Clerk. Participation by the residents is not mandatory.

Mr. Taylor stated there is an advantage to using a consultant. A consultant can spend money to publicize and promote the referendum. The City cannot spend funds to do that. The consultant earns commission from the utility company, however, the customers still reap the benefits of savings on electrical services.

Councilman Foster asked if information could be provided on a City whose usage is similar to Olney and what the savings is and what percentage of the cost is for the consulting company. Co-op customers are not eligible to participate, as well as customers with all electric homes, however, they can vote on the referendum.

The Council was interested in pursuing placing this referendum on the November ballot.

**9-E Discussion/Resolution: Donation and Purchase of Playground Equipment** - Several months ago an individual approached City personnel and expressed interest in donating money

for playground equipment for the Borah Lake Beach and boat launch area. Frank Bradley has been working on this project with the individual and came up with a plan for one large piece of equipment and three smaller pieces of equipment. All Inclusive Rec submitted a proposal in the amount of \$23,568.10 for the equipment which includes installation. This does not include the mulch or the drainage tile that would have to be installed.

Councilman Ferguson moved to accept the \$30,000 donation, accept the quotation from All Inclusive Rec, and to amend the Fiscal Year 2012-2013 budget, seconded by Councilwoman Thomas. Councilmen Brown, Ferguson, Mayor Lambird, Councilwoman Thomas and Councilman Foster voted yes. There were no opposing votes. Resolution No. 2012-R-44 was approved.

## **10. Old Business**

**10-A Discussion: Energy Infrastructure Analysis (City Manager Taylor) -** Deron Hawkins, representing Energy Systems Group, was present to answer any questions about an energy and infrastructure analysis. Mr. Hawkins provided packets to each Council member with information about his company's services and letters of recommendation from some of the cities that have similar programs. The company's request at this point is to do an audit to determine areas where there may be some savings. Ultimately, Mr. Hawkins' company and others would be interested in a guaranteed energy contract. There is a statute that details the requirements that have to be satisfied. Once the audit is completed, there would be requests for proposals, an evaluation, and then entering into a contract. The energy and infrastructure audit would be provided at no cost to the City. Energy Systems Group is currently doing an audit in Mt. Carmel.

Councilman Foster asked how the company is paid for its services. Mr. Hawkins explained that during the analysis portion of the project, his company will find areas the City can save money. For example, in one city they found five utility bills that were being paid for street lights or facilities that were no longer in existence. Whoever comes in to do the energy audit will examine utility bills, inspect buildings, etc., and consult with the various supervisors and staff of the City to determine if there are ways to save money. Once a performance contract is entered into, his company receives anywhere from two to four percent of the savings that the City recognizes. Or, if his company guarantees the City will save \$10 per year on electricity and only saves \$8, his company will give the City a check for the difference. His company operates in 33 states.

Again, the first step is to do the analysis which will take 30 to 45 days. It will take another 30 days to compile all the information. Once the audit is completed, an executive summary will be prepared and the City may request proposals from any qualified provider. The City must agree that no information contained in the audit will be shared except for what is provided in the executive summary. Mr. Hawkins verified that the information contained in the executive summary would be enough information for another company to submit a proposal.

Councilman Foster moved to allow Energy Systems Group to conduct an energy and infrastructure analysis, seconded by Councilman Brown. Councilman Ferguson, Mayor Lambird, Councilwoman Thomas, Councilmen Brown and Foster voted yes. There were no opposing votes. Resolution No. 2012-R-45 will be prepared.

**10-B Discussion: Acquisition of Fire Truck** - Fire Chief Holmes presented a proposal to purchase a Pierce Saber Chassis Pierce Ultimate Configuration (PUC) design rescue pumper. The purchase of this unit will allow the department to retire three units and at a later date possibly another one. Savings will be realized in insurance, maintenance and fuel. Mr. Holmes summarized the assets built into the truck such as hydraulic reels for extrication equipment, cross-lays for fire attack, pull out/swing out boards for tool and equipment organization, blitz line for quick fire attack, storage slots for rescue air bags, storage for SCBA cylinders, electric reels, storage boxes on top, EMS cabinets in cab and automated external defibrillator, scene lights, front intake to draft water, and a portable winch. The rescue pumper would always be the first piece of equipment out in a rural situation. It may not always be the first equipment out during a call in the City. There will be rescue equipment put onto another pumper in case there are two situations at once needing response.

Mr. Holmes stated he has received positive comments on the communities that have purchased equipment through the joint purchasing program sponsored by the Northwest Municipal Conference. A sales representative of Global Emergency Products has reviewed the engineering process and everything on the truck is compatible with the department's existing equipment.

In the past three or four trucks would be used for training away from the station. With this new rescue/pumper, only two trucks will be needed. There will be a great advantage when responding to rescues. There are times when it will take another three to five minutes to get a second unit to the scene. Now, one truck is all that will be needed for a rescue call.

Councilman Foster stated he is impressed with the truck and has been impressed with Pierce Manufacturing's equipment for years. He believes it would be a worthwhile expenditure to purchase this truck. If the truck is purchased prior to June 1<sup>st</sup>, there is a \$15,000 discount. If the City prepays 100%, there is another \$15,192 discount.

Mr. Holmes stated the money that the County pledged toward a new truck is not in hand. A one to one and one-half year payout was discussed.

City Treasurer Sanders reported that if financing from a local bank is used, there is no pre-payment penalty. All four local banks were requested to submit a quote. Three banks responded and the figures presented reflect the best interest rate received. The loan is subject to committee approval, but that is not foreseen as a problem. Bank financing is the best deal.

The value of the vehicles that will be put out of service was discussed. One of the trucks may be worth around \$8,000, the pumper between \$3,000 and \$5,000 and the van around \$1,000.

The City did apply for a \$250,000 zero percent interest loan. Bank financing of \$250,000 at 2.3% interest for five years is equal to \$17,517.82 or \$2,517.82 more than the \$15,000 discount for purchasing prior to June 1. Mr. Holmes stated there is no guarantee the City will receive the 0% interest loan.

Mr. Sanders believes it would be logical to prepay from general corporate funds, use the \$33,000 in the tanker account plus the \$108,000 budgeted for engine replacement for a total of \$141,000 as a down payment, borrow the rest and use the \$125,000 received from the County to pay toward the loan amount. The annual loan payment will be around \$70,000.

Councilman Ferguson suggested liquidating some assets, particularly the 20 acres the City owns north of town. The proceeds could be used for an improvement or something like the fire truck.

Councilman Foster moved to accept the proposal from Pierce Manufacturing and to enter into a contract with the company, and to amend the FY 2012-2013 budget, seconded by Councilman Brown. Mayor Lambird, Councilwoman Thomas, Councilmen Foster, Brown and Ferguson voted yes. There were no opposing votes. Resolution No. 2012-R-46 will be prepared.

**10-C Ordinance: Prohibiting Pets at Musgrove Park Ball Diamond Complex** - During the last Council meeting an ordinance was proposed to prohibit pets in the ball diamond area at Musgrove Park. The Council requested input from the community before action was taken. No comments from the public have been received. There was an ordinance prohibiting pets at the City Park inside the race track, including all ball diamonds.

Mayor Lambird moved to approve Ordinance No. 2012-26 as presented, seconded by Councilwoman Thomas. Councilwoman Thomas, Councilmen Foster, Brown, Ferguson and Mayor Lambird voted yes. There were no opposing votes. The motion carried.

**10-D Discussion: Smoking at Musgrove Park Ball Diamond Complex** - During the last City Council meeting there was discussion about smoking at the Musgrove Park Ball Diamond Complex. After a short discussion, it was suggested that Mr. Taylor draft an ordinance allowing smoking in the swimming pool parking lot area, the skateboard parking area, and the ball park parking area in the park. The ordinance will be presented at the June 11<sup>th</sup> Council meeting.

**10-E Discussion: Parking at Musgrove Park** - There have been problems with people parking their cars on the extension of Florence St. Signs will be put back up to prohibit parking on the drive going towards the swimming pool and it will be enforced. The parking creates congestion for people going to and from the swimming pool. Mr. Taylor stated that Brad Doll is planning on developing additional parking a little farther to the south.

Councilman Brown inquired about the possibility of allowing parking on the south side of Florence to the circle.

Mr. Taylor will explore the parking possibilities and will present something at the next Council meeting.

**10-F Discussion: Require Training for Licensees and Employees of Liquor Licensees -** City Manager Taylor stated that different cities do different things if they do anything at all with respect to training on liquor. State training through the Liquor Commission involves three hours of classroom training for off premise sales, with a minimum of four hours training for consumption on the premises. There has been discussion of the Police Department providing some kind of general training on various issues involving liquor sales and consumption.

Police Chief Brown believes the City should provide training to recognize when people have had too much to drink, etc. If the training is voluntary, no one will participate. Training could be provided every six months or quarterly if needed. It was suggested that when liquor licenses are applied for, that at least one person of the establishment be trained. Liquor licenses have already been issued this year. Mr. Taylor proposed to prepare an ordinance to amend the code to provide for training of liquor license holders for a future effective date.

## **11. Public Comments/Presentations**

**11-A Illinois Smoke Act -** Brian O'Neill was not in attendance.

Linda Bookwalter, director of SWAN, reported that she found out today there are two grants due to DCEO by June 11th. She plans to request \$11,000 for homeless prevention and \$50,000 to offset the costs of emergency shelter.

Councilman Ferguson moved to provide certification of local approval for the two grant applications, seconded by Councilman Brown. Councilmen Foster, Brown, Ferguson, Mayor Lambird and Councilwoman Thomas voted yes. There were no opposing votes. The motion carried.

**12. Report from the Mayor -** Mayor Lambird reported he discussed with Mr. Taylor last week the possibility of moving the public comments portion of the agenda closer to the top. Everyone was in agreement with this suggestion. Mr. Taylor also suggested moving the staff reports down to the Mayor and City Council report section. He also suggested combining the "old" and "new" business agenda items. A proposed ordinance amending the code will be prepared for the Council to review.

Mayor Lambird commended the Park Department on getting the flag pole fixed prior to Memorial Day.

## **13. Reports from City Council Members**

**13-A Discussion: Code Enforcement -** Councilman Foster discussed emphasizing to the police officers and code enforcement officer that the City Council is serious about enforcement of the City codes involving illegal burning, blowing grass onto the streets, trash, property maintenance issues, unlicensed vehicles, weed complaints, etc. He is being asked why these

issues are in the code if they are not going to be enforced. He suggested that maybe on certain days of the month going to various parts of town to enforce these issues. After being warned once, repeat offenders should be receiving citations.

Councilman Brown stated some communities have municipal court. Cities hire retired attorneys or judges to come into City Hall and have municipal court one day per month. If fines are assessed, the money goes directly to the City instead of to the County. He is in support of taking code enforcement seriously and seeing positive changes in the various neighborhoods.

All Council members were in agreement. Councilman Foster wants it emphasized that the Council is serious about enforcement. He suggested that the departments involved work with the City Manager to work in various sections of town on various days to get things corrected.

Mr. Taylor stated the Council would have to adopt an ordinance to establish the procedures for municipal court. There are three statutes that cover municipal adjudication. There are building violations, parking/non-moving vehicle violations and general code violations. The City would have to have the necessary individuals to participate to have administrative adjudication. The Supreme Court does allow the City to establish settlement procedures that could be used before the case is filed in circuit court or prior to the court date.

The Council members were in agreement to investigate the possibility of municipal court.

Over the weekend Councilman Foster heard a call on the scanner where a lady had locked her child in the car and her keys were in the car. A Deputy Sheriff was not immediately available to assist her. It was his understanding that the Olney Police Department personnel quit unlocking cars several years ago.

Police Chief Brown stated his officers unlock cars in emergency situations. Mr. Brown stated he will make sure his officers have the necessary equipment in their vehicles to assist in unlocking cars in emergency type situations.

Councilman Foster suggested that the City consider refurbishing the two railroad crossing signals with flashing lights and to move them to Bower Park by the monument for Illinois Central Railroad.

Councilman Ferguson stated his family used the community building this past weekend and that it is in need of serious repair. The bathrooms are terrible. He suggested that if the City is submitting an OSLAD grant application for playground equipment that repair to both bathrooms be included. The community building is used a lot and the flooring is in bad shape.

Councilman Ferguson also inquired if the purchase of video cameras to help prevent vandalism has been investigated, especially with the new playground equipment that will be installed at Borah Lake. Frank Bradley has looked into video cameras. Mr. Taylor will follow up on this suggestion.

Mayor Lambird also suggested that the kitchen at the community building be upgraded for fund raising events.

**14. Closed Session: Appointment, Employment, Compensation, Discipline or Performance of Specific Employees** - Councilwoman Thomas moved to adjourn to closed session to discuss the appointment, employment, compensation, discipline and 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 Deputy City Clerk Harlan left the Council Chambers at 9:48 p.m.

**15. Reconvene Open Session** - Upon the return of those who were in closed session to the Council Chambers, Councilwoman Thomas moved to enter back into open session, seconded by Councilman Foster. A majority voice vote was received. Open session resumed at 10:37 p.m.

**16. Action on Closed Session** - There was no action taken as a result of closed session.

**17. Adjourn** - Councilman Brown moved to adjourn, seconded by Councilman Ferguson. A majority voice vote was received.

The meeting of the City Council adjourned at 10:38 p.m.

Cindy L. Harlan  
Deputy City Clerk