

CITY OF OLNEY  
CITY COUNCIL MEETING  
NOVEMBER 26, 2012

AGENDA #1 “CALL TO ORDER” The November 26, 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. Beau Brown 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 “PUBLIC HEARING-REGARDING THE CONSIDERATION OF A PLAN OF OPERATION AND GOVERNANCE FOR AN ELECTRICITY AGGREGATION PROGRAM” No comments were received from the public. The public hearing closed at 7:33 p.m.

AGENDA #5 “PRESENTATION OF CONSENT AGENDA”

5-A Approve Minutes of Council Meeting on November 13, 2012

5-B Approve and Authorize Payment of Accounts Payable November 27, 2012-  
\$68,195.78

AGENDA #6 “REMOVAL OF ITEMS FROM CONSENT AGENDA” No items were requested for removal.

AGENDA #7 “CONSIDERATION OF CONSENT AGENDA” Councilman Brown moved to approve the consent agenda, seconded by Councilwoman Thomas. A majority voice vote was received.

AGENDA #8 “CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA” No consideration was necessary for items removed from the consent agenda.

AGENDA #9 “PUBLIC COMMENTS/PRESENTATIONS”

9-A “Minors and Adults Eavesdropping/Invasion of Privacy” Brian O’Neill quoted the Illinois state constitution concerning the invasion of privacy. Mr. O’Neill believes people are coming onto his property and looking in his windows and listening to what is going on. Mr. O’Neill stated it is illegal to record his voice without consent.

An unknown person in the audience agreed strenuously the City should not encourage

anyone to go onto Mr. O'Neill's property and place tape-recording devices against his windows and in his house.

AGENDA #10 “PRESENTATION OF ORDINANCES, RESOLUTIONS, ETC.”

10-A “Request: Class A Liquor License-Nikki's Place” Erin Morris, representing Nikki's Place, requested that the Council increase the number of Class A liquor licenses allowed. Ms. Morris is the General Manager for their 12 locations. Nikki's Place has a lease for their Olney location in the Richland County Mall next to Rural King. Nikki's Place will be a video gaming location for person 21 years and older which will sell some food and liquor. They will be applying for five video gaming machines through the state.

Councilman Foster questioned if the liquor license will be for a bar. Ms. Morris explained the Olney location will only have a couple of tables for customers waiting to play the video gaming machines. They will have some food, but will not be a restaurant. They will have a three-drink limit per person and will employ four to five people. Once they are close to opening the Olney location, they will hire a local manager.

Councilman Foster questioned if they do not receive their state gaming license would they give up their liquor license. Ms. Morris indicated they would give up their liquor license if a gaming license is not obtained. She indicated they already have four locations approved so she did not see a reason why the Olney location would not be approved.

Councilman Foster questioned if Olney was limited on the number of video gaming locations. Mr. Taylor answered no, but each establishment is limited to five gaming machines.

Mr. Taylor explained the request is for the Council to pass an ordinance that will increase the number of Class A liquor licenses from four to five. Originally, they applied for a Class E (restaurant) liquor license, but they do not comply with the restaurant requirements. They are only eligible for a Class A license.

Councilman Brown moved to increase the number of allowed Class A liquor licenses from four to five, seconded by Councilwoman Thomas. Councilmen Foster, Brown, Ferguson, Mayor Lambird and Councilwoman Thomas voted yes. There were no opposing votes. The motion carried. Ordinance 2012-58 will be prepared.

10-B “Ordinance: Establishing an Opt-Out Electricity Aggregation Program and Approving the Electricity Aggregation Program Plan of Operation and Governance” The Council was provided with a proposed ordinance establishing the electric aggregation program. The ordinance approves the City's Plan of Operation and Governance which is required by the state statute. This ordinance must be approved in order to proceed with the bidding process. Bids will be opened on December 11.

Councilman Brown questioned the opt-out process. Mr. Taylor explained residents will have two chances to opt-out of the program.

Councilman Ferguson moved to pass Ordinance 2012-59, seconded Councilman Brown. Councilmen Brown, Ferguson, Mayor Lambird, Councilwoman Thomas and Councilman Foster voted yes. There were no opposing votes. The motion carried.

10-C “Resolution: Authorize Execution of a Service Agreement with the Lowest Responsible Bidder for the Supply of Electricity for Residential and Small Commercial Retail Customers Who Do Not Opt-Out of Such a Program” The proposed resolution authorizes the Mayor or City Manager to authorize a service agreement on the bid date as long as the service agreement is with the lowest responsible bidder and the amount of the bid is lower than Ameren’s current rate.

Councilwoman Thomas moved to approve Resolution 2012-R-79, seconded by Councilman Foster. Councilman Ferguson, Mayor Lambird, Councilwoman Thomas, Councilmen Foster and Brown voted yes. There were no opposing votes. The motion carried.

10-D “Discussion: Electric Aggregation Administrative Fee” The Council was asked whether they wanted to impose an administrative fee in conjunction with the rate that will be paid by those customers participating in the electric aggregation program. The standard administrative fee appears to be 1/10 of a cent per kilowatt hour. The Council was provided with a spreadsheet that shows the usage for four different homes and an overall average. Based on the spreadsheet, the average home would pay approximately \$1.00 per month as an administrative fee.

Councilman Foster asked if most communities are implementing an administrative fee. Mr. Taylor commented a large number of communities have implemented the 1/10 of a cent administrative fee. Councilman Foster wanted the citizens to save as much as possible, but he could also see a potential revenue for the City with the administrative fee. He believed the Council should consider designating the revenue for a specific purpose. He also believed this fee would be spread out among all citizens, not just property owners. If the electrical savings are not as great as expected, the administrative fee could be repealed.

Councilman Foster moved to impose a 1/10 of a cent per kilowatt hour electric aggregation administrative fee, seconded by Councilman Brown. A majority voice vote was received. Resolution 2012-R-80 will be prepared.

10-E “Resolution: Accept Bid for Bunker Gear” Bids were recently opened for the purchase of bunker gear for the Fire Department. Two bids were received. The low bid was from Municipal Emergency Services, Inc. of Washington, Illinois. The Fire Department has \$40,000 budgeted for the purchase of bunker gear. Twenty-five pairs of pants and 25 coats for a

total of \$39,125.00 can be purchased. The Council was provided with a memo from Fire Chief Holmes along with a proposed resolution.

Councilman Foster questioned the condition of existing bunker gear. Fire Chief Holmes explained many pieces of gear have holes and are more than ten years old. Gear that reaches this age is no longer safe for use. If this purchase is approved, most all of the firefighters will have new gear.

Councilman Brown moved to approved Resolution 2012-R-81, seconded by Councilwoman Thomas. A majority voice vote was received.

Fire Chief Holmes provided the Council with information concerning needed repairs for the snorkel truck. The Council was not asked to make a decision at this time. Chief Holmes explained approximately two weeks ago the snorkel developed a hydraulic leak which is believed to be in the turntable swivel. He received a quote of \$26,624.00 to repair the swivel, which included hauling the truck to Wisconsin and back. The snorkel is 44 years old, and Chief Holmes has been trying to replace the truck with a grant. Chief Holmes reviewed the pros and cons of repairing the snorkel.

Chief Holmes has found a used ladder truck for sale in Speedway, Indiana. He explained it is hard to find a good used truck. This truck is 20 years old, but he has not seen it yet. The price of the truck is \$90,000 with 35,000 miles and 5,337 hours. If the Council does not object, he would like to look at the truck on November 28 when the new truck is picked up in Indianapolis. The Olney Fire Department has never had a ladder truck. Chief Holmes explained if this truck is purchased, it would give his department an opportunity to try this type of truck before a new truck is purchased. Chief Holmes showed the Council pictures of the used truck along with the new truck.

Councilman Foster asked if the truck has passed inspection. Chief Holmes reported that the certification has expired, but he would suggest that the current owner certify the truck before it is purchased.

The Council was in favor of allowing Chief Holmes and the City Mechanic to inspect the truck and review its maintenance records.

10-F “Resolution: Designating December 2012 as National Drunk and Drugged Driving Prevention Month” The Illinois Department of Transportation urged municipalities to join the state of Illinois in proclaiming December as National Drunk and Drugged Driving Prevention month.

Councilman Foster moved to approve Resolution 2012-R-82, seconded by Councilman Ferguson. A majority voice vote was received.

10-G “SOS Bucks” Mr. Taylor recommended that the Council approve the purchase of \$50 in SOS bucks for each of the 58 full-time employees and \$30 for each of the 25 paid-on-call firefighters. The total cost would be \$3,650.00

Councilman Ferguson moved to approve Mr. Taylor’s recommendation, seconded by Councilwoman Thomas. A majority voice vote was received.

10-H “Discussion: Road Projects for STU Funding” At the last meeting the Council discussed possible projects for the use of STU funds. IDOT would like to have a decision on the use of STU funds by December 1 for their five-year cycle.

The City receives approximately \$70,000 of STU funds each year. These funds can be used in conjunction with MFT funds. Projects funded with STU funds are an 80/20 match. City Engineer Charleston provided the Council with cost estimates for four potential projects for STU funds. These projects were Holly Road from Hall to 250' south of Gadde Bridge Lane for \$900,000, N. East Street from Hall Street to Mack Avenue for \$500,000, N. Walnut from Scott Street to Mack Avenue for \$1,200,000 and N. Walnut Street from Butler Street to Scott Street for \$350,000.

Councilman Foster asked how much of STU funds have already accumulated. Mr. Taylor reported approximately \$128,000. It was estimated it would be two years before a project could be started.

The Council discussed the various projects. Mr. Charleston explained MFT funds are less restrictive than STU funds. The Council discussed some of the Walnut Street project would be a better use of MFT funds than STU. Councilman Foster preferred using MFT funds to complete improvements to the Eastgate Subdivision. The Council expressed interest in improving Holly Road, but since the cost and the possibility of a turn lane was unknown all Council members favored improving N. East Street from Hall Street to Mack Avenue with STU funds.

#### AGENDA #11 “REPORTS FROM ELECTED AND APPOINTED OFFICIALS”

10-A “City Manager - Status Report” Mr. Taylor reported that city crews continue with the leaf pick up program. Ideally, leaves are picked up in the various areas of the City the day after the regularly scheduled garbage pick up. Currently, lists are not being made for requested leaf pick ups. Crews will be trying to catch up this week and next.

Mr. Taylor noted the Christmas light display is currently in operation. He urged everyone to see the new LED display.

The actuarial reports have been received from the Illinois Department of Insurance for the Fire and Police pension funds. With this information Mr. Sanders has been able to lower both

the Fire and Police tax levies. Mr. Sanders provided the Council with two revised tax levy recap worksheets. One proposal was with a 1.04% increase and the other was with a 0%. The recap used the exact EAV provided by the Supervisor of Assessments. Levies for IMRF and Workmen's Comp. have been fine tuned to accommodate a 0% increase. The Council will be asked to pass the tax levy ordinance at the December 10 meeting.

Mayor Lambird encouraged everyone to visit the Christmas light display. He thanked Brad Williams and Jon Wright for donating their time helping with the new electronic display. Mayor Lambird also thanked Belinda Henton for her time and effort with the Christmas parade.

Councilman Foster questioned if the Water Distribution Department will be able to get the yards on Monroe Street tilled and shaped back up before winter is over. Mr. Taylor was sure it would depend on weather, but he would talk to Mr. Umfleet.

Councilman Foster questioned if there had been any more discussion about planting trees on the south portion of Musgrove Park. Mr. Taylor commented nothing has been planned nor budgeted. Mayor Lambird reported that on November 19 a representative from Southern Illinois University of Carbondale met with the Tree Board. He has also talked to the East Richland High School Agricultural Department about starting trees from seeds. The Sewer Plant has an area to start a nursery for a tree replacement program.

Councilman Foster noted that \$320 was recently spent for porta potties. He questioned if money could be saved by purchasing porta potties and have the Sewer Department maintain them. Mr. Taylor will research this option.

Councilman Foster hoped citizens will be patient with the leaf pickup program. He knew the first year would be a trial and error and was hopeful next year they would be better prepared.

Mayor Lambird thanked Frank Bradley and the Park Department for their work on the lights in the City Park.

Mayor Lambird noted that the new restroom for the City Park has arrived and will be installed for next season.

**AGENDA #12 “CLOSED SESSION: APPOINTMENT, EMPLOYMENT AND PERFORMANCE OF SPECIFIC EMPLOYEES”** Councilman Foster moved to adjourn to closed session to discuss appointment, employment 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 City Clerk Henton left the Council Chambers at 9:00 p.m.

AGENDA #12. “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 Brown. A majority voice vote was received. Open session resumed at 10:29 p.m.

AGENDA #13. “ACTION ON CLOSED SESSION” No action was taken as a result of the closed session.

AGENDA #14. “ADJOURN” Councilman Foster moved to adjourn, seconded by Councilman Brown. A majority voice vote was received.

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

Belinda C. Henton  
City Clerk