

CITY OF OLNEY
CITY COUNCIL MEETING
OCTOBER 14, 2013

AGENDA #1 “CALL TO ORDER” The October 14, 2013 meeting of the Olney City Council was called to order at 7:00 p.m. in the Council Chambers of the Olney City Hall located at 300 S. Whittle Avenue, Olney, Illinois, with Mayor Ray Vaughn presiding.

AGENDA #2 “PLEDGE OF ALLEGIANCE TO THE FLAG-PRAYER” Council members and visitors joined in the pledge of allegiance to the flag. Steve Wingert led the group in a prayer.

Mayor Vaughn recognized Cub Scout Pack 211 for attending the meeting.

AGENDA #3 “ROLL CALL” The following Council members were present: John McLaughlin, Brad Brown and Ray Vaughn. Barb Thomas and Bob Ferguson were absent. Also present were City Manager Larry Taylor, City Treasurer Chuck Sanders and City Clerk Belinda Henton.

AGENDA #4 “PRESENTATION OF CONSENT AGENDA”

4-A Approve Minutes of Council Meeting on September 23, 2013

4-B Approve and Authorize Payment of Accounts Payable October 15, 2013-Pooled Cash \$127,671.82, Manual Pooled Cash \$162,293.81, Motor Fuel Tax \$42,387.19 and Christmas Light Display \$2,500.00

4-C Raffle License-Eagles #2549

4-D Raffle License-OCC Automotive Club

4-E Raffle License-The Dutchman’s Pipe for the Dan Ramsey Benefit

AGENDA #5 “REMOVAL OF ITEMS FROM CONSENT AGENDA” No items were requested for removal from the consent agenda.

AGENDA #6 “CONSIDERATION OF CONSENT AGENDA” Councilman McLaughlin moved to approve the items on the consent agenda, seconded by Councilman Brown. A majority affirmative voice vote was received to approve the consent agenda.

AGENDA #7 “CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA” No consideration was necessary since no items were removed from the consent agenda.

AGENDA #8 “PUBLIC COMMENTS/PRESENTATIONS”

8-A “Illegal Use of Government Equipment for Private Use” Brian O’Neill talked about the Council’s discussion to use the City’s equipment at the Country Club. He stated the City cannot use City equipment on private property. He also stated he would be filing a law suit against the City.

AGENDA #9 “PRESENTATION OF ORDINANCES. RESOLUTIONS. ETC.”

9-A “Ordinance: Rezone 1.5 Acre Tract of Land Located Approximately 860 Feet East of US 50 on the South Side of Baird Street from M-1 (Light Industrial District) to R-1 (Single-Family Residence District)” The Council was provided with minutes from the recent Plan Commission meeting and a proposed rezoning ordinance. Ray and Gladys Markwell petitioned for the rezoning of their property east of US 50 on Baird Street from M-1 (Light Industrial District) to R-1 (Single-Family Residence District). They were requesting the change in zoning in order to sell the property for a single-family residence. The Plan Commission heard the request and voted unanimously to recommend the change in zoning as requested. No one in attendance at the Plan Commission meeting voiced any objections, but Mrs. Henton received a call from Mike Doll expressing his concern with having a residential district so close to industrial zoned property.

The prospective buyers of this property were in the audience and Mayor Vaughn made sure they understood they would be surrounded by M-1 (Light Industrial District) property.

Councilman McLaughlin moved to pass Ordinance 2013-33, seconded by Councilman Brown. Councilman McLaughlin, Brown and Mayor Vaughn voted yes. There were no opposing votes. The motion carried.

9-B “Discussion: Richland Country Club Cart Path Work” Councilman Brown asked if Mr. Taylor had anything new to report from his research on the City doing work at the Richland Country Club. Mr. Larry reported there is a constitutional provision that states that public funds, as well as property and credit, can be used only for public purposes. There are a number of statutory provisions that expand on the meaning of public purposes. One example is TIF money can be used for public infrastructure in addition to reimbursing a property owner for the cost of rehabilitating private property. The Supreme Court has held that it is constitutional to spend public funds in such a way for economic development. More than two years ago the General Assembly passed a piece of legislation that gave municipalities the ability to appropriate and expend funds for economic development purposes including the making of grants for commercial enterprise. Last year the City gave money to a local industry. Economic development was the basis for the grant. In respect to Richland Country Club, when the proposal was presented to the Council and the Council acted upon the proposal, it was not done as the statutes allude to specially for economic development purposes. If it were specifically stated that the proposed work was for economic development purposes, it would fall within the broad statutory authority allowed to the City. Instead the proposal was improperly approved.

Councilman McLaughlin asked if the Council can vote to rescind the proposal. Mr. Taylor indicated that could be done.

Councilman McLaughlin asked if Mr. Taylor could request an opinion from the Attorney General about the legality of the proposal for future reference.

Mayor Vaughn pointed out the cases Mr. Taylor discussed were grants, but the Country Club proposal was for reimbursement to the City for work performed, not a gift. Mr. Taylor believed the matter still falls within the appropriation of funds even though it may be reimbursed.

Mayor Vaughn asked if the proposed work could be delayed until a conclusive answer is obtained. Councilman McLaughlin stated if the work is not legal, he does not want to do it. He would prefer not having the vote hanging out there. If information is received in a few months indicating that the work is legal, the matter can be brought back for discussion.

Councilman McLaughlin moved to rescind the vote from the last meeting considering the new information that the proposed work may not be legal, seconded by Councilman Brown.

Mayor Vaughn clarified the proposed work is not necessarily illegal, but as it was proposed did not fit within the exceptions. Mr. Taylor commented there was not a specific finding by the Council when approved that this work was necessary and desirable for economic development.

Mr. Taylor will pursue an opinion from the Attorney General.

Councilman Brown, Mayor Vaughn and Councilman McLaughlin voted yes. There were no opposing votes. The motion carried.

9-C “Resolution: Approve Affiliation Agreement with IECC Regarding the Use of Firing Range and Building for Concealed Carry Courses” Mr. Taylor received a letter and Affiliation Agreement from Bryan Hart, the IECC Concealed Carry Coordinator, regarding the use of the City’s firing range and building for concealed carry courses. The dates for these courses have not been established. The documents were forwarded to the City’s insurance carrier. There were a few requested changes to the Affiliation Agreement which were sent to Bryan Hart who has forwarded them to the IECC district office. Mr. Taylor reviewed the requested revisions. The Affiliation Agreement provides for the payment of \$100 for each 16-hour course. The courses will have to be scheduled to make sure there is not a conflict with other activities that occur at the firing range and arena. The IECC will provide umbrella liability of \$10,000,000. Participants of the course would be required to sign a hold harmless agreement.

Mayor Vaughn suggested indemnification should include property damage not just physical injury. Also he asked that the City be included in the hold harmless agreement.

Mayor Vaughn asked if there are any restrictions for using the firing range. Mr. Taylor commented the use of the firing range has to be scheduled. Mayor Vaughn commented when the area was used only as a police firing range, it was only used occasionally, but now with the Olney Gun Club and concealed carry classes, this facility will be used constantly. He was not in favor of this unless there are strict restrictions on times this can occur.

Councilman McLaughlin was in favor of allowing the IECC and other groups to use the firing range, but agreed a schedule was needed. Mr. Taylor did not know how many courses the IECC intended to hold. There is another group also requesting the use of the facility. He agreed scheduling will have to be controlled.

Councilman McLaughlin asked that Mr. Hart be asked to attend the next meeting to discuss his plans for the courses.

Mayor Vaughn asked how often the Olney Gun Club uses the facility. Lynn Earnst indicated two to three times per month. Mayor Vaughn indicated the Police Department should have priority and the Olney Gun Club has a regular schedule. The City should be able to tell the IECC what days and hours the firing range can be used. He does not want to see live fire every day of the week. A schedule will need to be mutually agreeable.

No action was taken pending further information from the IECC.

9-D “Discussion: Request for Use of Firing Range and Special Event Permits” A second request for the use of the firing range and perhaps the building has been received for another concealed carry class that would be taught by two retired state troopers. Mr. Taylor indicated the ultimate question will be when they want to schedule their classes.

9-E “Ordinance: Sale of Personal Property-Used Metal Culverts, 1993 Nissan and Used Traffic Signs” The Council was provided with a proposed ordinance authorizing the disposal of used metal culverts and used traffic signs by means of recycling. The traffic signs do not meet the current standards. The ordinance will also authorize the sale of the 1993 Nissan through GovDeals.com. The 1993 Nissan has most recently been used by the Park Department and is no longer needed.

Councilman Brown moved to pass Ordinance 2013-34, seconded by Councilman McLaughlin. Mayor Vaughn, Councilmen McLaughlin and Brown voted yes. There were no opposing votes. The motion carried.

9-F “Discussion: Request to Go Out for Bids for the North Street Pumping Station Project” The Illinois Environmental Protection Agency is suggesting that the City go out for bids for the North Street pumping station project. The bidding process must last at least 45 days and then the City will have 60 days to accept a bid. During the 60 days, the City would issue a Notice of Intent and send the information to IEPA for their concurrence. Mr. Taylor understood the current interest rate is less than 2%.

The Council was in favor of starting the process and going out for bids for the North Street pumping station project.

9-G “Discussion: Swing Set at City Park” The Council was asked their opinion on whether the old swing set should be removed or kept at the City Park. Mr. Taylor commented virtually all new equipment will be installed in Kiddie Land and the City Park playground. The

swing set is in the area of the animated LED Christmas light display and because of the lights, the swing set is not useable while the Christmas light display is up.

Councilman Brown questioned if the reason for removing the swing set was due to liability or the Christmas lights. Mr. Taylor verified that the swing set does not meet current standards for playground equipment because of its height, but the City is not obligated to remove it. Once all the new equipment is installed, the swing set will be the only piece of equipment that does not meet standards.

Councilman Brown would like to keep the swing set, but he was not opposed to having it removed. Councilman McLaughlin does not want to have the swing set removed, but would defer the decision. Mayor Vaughn commented that the swing set was occupied all day during Fall Festival. He also asked the Cub Scouts that attended the meeting tonight, and they were all in favor if keeping it. The Council agreed to keep the swing set. Mayor Vaughn suggested taking the swing set out of service during the Christmas light display.

9-H “Discussion: Request by Salvation Army to Place an 8' x 20' POD Storage Unit on the City Parking Lot Behind 302 E. Main for Up to 60 Days” The Salvation Army has requested permission to place an 8' x 20' POD storage unit on the parking lot behind 302 E. Main Street for up to 60 days. Work has to be done on the roof on the York Street side of the building they occupy, and they need some space to temporarily store items while the work is being done. The storage unit would occupy approximately one parking space.

The Council was in agreement to allow Salvation Army to place a POD in the parking lot for up to 60 days.

9-I “Discussion: Authorize Expenditure for the Widening of the Culvert at the Musgrove House Driveway Entrance” At the last meeting, City Engineer Charleston indicated the need to replace the culvert under the Musgrove house lane for the detention basins. He also discussed widening the lane to 24'. Last Thursday Councilman McLaughlin met with representatives from almost all of the sports leagues. They are working on putting together a comprehensive master plan for the park. The consensus of the group was the lane will need to be widened no matter the end result of the plan.

Mr. Taylor questioned if the intention is to install the culvert and apron and also widen the driveway. Councilman McLaughlin agreed the driveway should be widened to the east end of the new parking lot. He believed it will have to be done before the next baseball season to improve the flow into the parking lots. The parking lot flow has not yet been discussed.

Mayor Vaughn clarified piping will be cut under the driveway to direct water to the water detention basins and a new culvert will be put at Silver Street to allow for a larger entrance road. Councilman McLaughlin added that the zipper will be used on the lane and gravel added to make the lane wider to the east end of the parking lot.

Councilman McLaughlin moved to extend the culvert under the Musgrove lane with an apron at Silver Street and widen the lane to 24' to the east end of parking lot and run the pipe out to the detention areas, seconded by Councilman Brown. Mayor Vaughn, Councilmen McLaughlin and Brown voted yes. There were no opposing votes. The motion carried.

AGENDA #10 “REPORTS FROM ELECTED AND APPOINTED OFFICIALS”

10-A “City Manager - Status Report” Mr. Taylor reported that since the last Council meeting, bids for electric aggregation have been opened and approved. The next electric aggregation agreement will be for 24 months beginning June 2014. Homefield Energy was the overall low bidder at .0458 with no renewable energy involved. The current rate is .04009. If Ameren’s rate becomes lower, Homefield is obligated to match Ameren’s rate.

Baby Huey’s Recycling has contacted City Hall concerning a recycling day for electronics, appliances, tv’s, computer monitors, batteries and tires. They are willing to bring a 27' trailer the first Saturday of each month and set up wherever the City would suggest for approximately 5 hours. There is no charge to the City, but the City will be paid 2 cents per pound for everything collected except TVs, monitors and tires. There will be a \$5 donation, which he will collect, for TV’s and \$4 per tire. The City would only be responsible for advertising the event and providing a location. Baby Huey’s offers this service to approximately 190 towns. It was originally thought the 4-H recycling program would like to take advantage of this service in conjunction to their recycling, but they have not yet made a decision. Until 4-H makes a decision, unless the Council opposes the event, Mr. Taylor suggested that the City allow Baby Huey’s to provide this service to the citizens at the city parking lot at Butler and Fair on the first Saturday of November.

Mayor Vaughn commented that the Citizens for a Greener Olney have done a similar recycling event two or three times.

Morgan Fehrenbacher commented the Citizens for a Greener Olney would welcome this event. Ms. Fehrenbacher suggested that the area be policed, because people will continue to drop off items after the event is over.

The Council was in favor of scheduling a recycling event on November 2, 2013.

At the last meeting the Council discussed the stop signal at Whittle and Elm. Since that time the flashing lights have been repaired. It was only a matter of a breaker being thrown. The lights will continue to be monitored.

At the last meeting the Council also discussed the dirt that was excavated from the detention basins in Musgrove Park. Mr. Taylor is trying to determine all of the City’s needs for this dirt before any of it is sold. In the future the Council may be asked for approval to sell some of the dirt.

Councilman McLaughlin asked about the time line to get the dirt out of Musgrove Park. Mr. Taylor hoped to get the dirt out as soon as possible as weather permits.

10-B “City Manager - Appointment to Joint Review Board” Mr. Taylor explained the Joint Review Board includes members from six taxing bodies. The board typically meets once a year in October after the TIF reports have been filed to review the status of the TIF districts and the annual report. The next Joint Review Board is scheduled for October 29, 2013 at 4:30 p.m. In the past Bob Ferguson has been the City’s representative. Mayor Vaughn commented he would be happy to represent the City if Mr. Ferguson is not available.

Mayor Vaughn questioned the status of the fiduciary insurance for the pension boards. Mr. Taylor commented not all information has been received.

Mayor Vaughn questioned if it would be possible for the City to indemnify the board members for the amount of the deductible. A higher deductible could be obtained for a lessor premium. Mr. Taylor believed the City or the pension funds could do that.

In the past the Council has discussed prioritizing street repairs. By the next meeting, Mayor Vaughn would like to have the master list which prioritizes the streets for the next three years. He would like to publish this list so the community can see the plan. A discussion can then be opened on what streets should and should not be on the list.

Councilman McLaughlin suggested a longer term plan for the high dollar projects such as Whittle Avenue, Holly Road and Main Street. The Council agreed a master plan needs to be discussed and tweaked as necessary.

Mayor Vaughn noted the last week of the annual squirrel count will be October 19. Volunteers were encouraged to call City Hall. The Halloween parade will take place on October 25 and trick or treat will take place October 31 from 6:00 p.m. to 8:00 p.m. Christmas parade entries are now being accepted. Leaf collection starts October 15. Leaves will be picked up the day after trash pickup.

AGENDA #11 “CLOSED SESSION: SALE PRICE OF REAL PROPERTY AND APPOINTMENT OR EMPLOYMENT OF SPECIFIC EMPLOYEES” Councilman Brown moved to adjourn to closed session to discuss the sale price of real property and appointment or employment of specific employees, seconded by Councilman McLaughlin. A majority affirmative voice vote was received.

Councilmen McLaughlin, Brown, Mayor Vaughn, City Manager Taylor, City Treasurer Sanders and City Clerk Henton left the Council Chambers at 8:14 p.m.

AGENDA #12 “RECONVENE OPEN SESSION” Upon the return of those who were in closed session to the Council Chambers, Councilman McLaughlin moved to enter back into open session, seconded by Councilman Brown. A majority affirmative voice vote was received. Open session resumed at 8:51 p.m.

AGENDA #13 “ACTION ON CLOSED SESSION” Because of discussions that have taken place concerning liability insurance limits, Mr. Taylor has draft revisions to the special event permit portion of the city code. Mr. Taylor and the Council discussed the various events and liability limits. This matter will be discussed further at another meeting.

13-A “Resolution: Authorize the Sale of Property-Lot 6 in Block 1 VanMatre Addition” Mr. Taylor explained the proposed resolution would authorize the sale of Lot 6 in Block 1 of VanMatre Fairlawn Addition which is at the corner of Ohio Street and York Street. A written certified appraisal was received indicating the value of the lot is \$1,500. If approved, the resolution will authorize the Council to accept any contract which is in the best interest of the City of Olney by a 2/3 vote, but the price cannot be less than \$1,200 which is 80% of the fair market value plus the cost of the written certified appraisal and the cost of publishing the resolution.

Councilman McLaughlin moved to approve Resolution 2013-R-52, seconded by Councilman Brown. A majority affirmative voice vote was received.

AGENDA #14 “ADJOURN” Councilman McLaughlin moved to adjourn, seconded by Mayor Vaughn. A majority affirmative voice vote was received.

The meeting of the City Council adjourned at 9:10 p.m.

Belinda C. Henton
City Clerk