

CITY OF OLNEY  
CITY COUNCIL MEETING  
SEPTEMBER 23, 2013

AGENDA #1 “CALL TO ORDER” The September 23, 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. Mark Krell led the group in a prayer.

AGENDA #3 “ROLL CALL” The following Council members were present: John McLaughlin, Barb Thomas, Brad Brown, Bob Ferguson and Ray Vaughn. 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 September 9, 2013

4-B Approve and Authorize Payment of Accounts Payable September 24, 2013-Pooled Cash \$106,578.78, Water Deposit Refunds \$2,387.23, Manual Pooled Cash \$17,151.02 and Motor Fuel Tax \$325.00

4-C Raffle License-Melissa Wood 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 Councilwoman Thomas. 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 “Littering” Brian O’Neill read a prepared speech and said that Mayor Vaughn lied to the voters, but could not lie to him. Mr. O’Neill presented the Mayor with three bars of Dial soap, which he called a soap box, and told him when he takes a shower he can use the soap to wash off all the filth and corruption. Mayor Vaughn stopped Mr. O’Neill and told him no direct assaults are allowed toward any of the Council members. Mr. O’Neill stated his 14<sup>th</sup> amendment right cannot be violated. Mr. O’Neill continued to read his speech which had something to do with littering.

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

9-A “Ordinance: Sale of Personal Property-Scrap Metal and Playground Equipment from City Park” The Council was provided with a proposed ordinance authorizing the disposal of fencing, a tool box and playground equipment from Kiddie Land.

Councilman Ferguson moved to pass Ordinance 2013-31, seconded by Councilman McLaughlin. A majority affirmative voice vote was received.

9-B “Ordinance: Restrict Motorized Vehicles on East Fork Lake Trails” At the prior Council meeting the Council indicated they wanted to restrict motorized vehicles on the trails at East Fork Lake. Mr. Taylor drafted an ordinance amending the City Code to include a section that will prohibit the use of motorized vehicles on the trails located north of the East Fork Lake dam. Hikers, walkers, bicycles and horses would be permitted on the trails.

Councilman McLaughlin questioned if an exception could be granted for special circumstances where a motorized vehicle needs to be used. Mr. Taylor commented the ordinance could be amended to include an exception when authorized by the City.

Councilwoman Thomas questioned how this ordinance will be enforced. She did not want another ordinance on the books that cannot be enforced. Mayor Vaughn commented if violators are observed, the Police Department can be called. It was not intended for the area to be actively patrolled.

Mayor Vaughn moved to approve the proposed ordinance restricting motorized vehicles on the East Fork Lake Trails with an amendment to allow exceptions when authorized by the City, seconded by Councilman McLaughlin. A majority affirmative voice vote was received in favor of passing this ordinance with the exception of Councilman Ferguson being opposed. Ordinance 2013-32 will be prepared.

9-C “Appointment: Library Board” Mayor Vaughn recommended appointing Sheila Ritter to the Library Board.

Councilman McLaughlin moved to approve the appointment of Sheila Ritter to the Library Board, seconded by Councilman Ferguson. A majority affirmative voice vote was received.

9-D “Discussion: Fiduciary Insurance for Police and Fire Pension Boards” Mr. Taylor explained the City’s insurance coverage does not cover the individual members on the Police and Fire Pension Boards for causes of action arising from their fiduciary responsibility as trustees. The pension boards feel very strongly that coverage needs to be provided for the members and are soliciting quotes for coverage. The boards will be the policy holders. It is anticipated the fiduciary insurance will not exceed \$10,000 for the Police Pension Board and \$7,500 for the Fire Pension Board. One question that has been raised is how should the

premiums for the fiduciary insurance be paid. Mr. Taylor questioned if the respective pension funds should pay the premiums out of their investments or would it be advisable for the City to pay the premiums out of the General Fund. Mr. Taylor did not request approval until final premiums costs are determined. Either way the budget will need to be amended in order to properly budget for the expense of the premiums.

City Treasurer Sanders commented it would be more simple if the City is willing to pay the premium up-front. If the respective pension funds paid the premiums, it will just increase the under funding of each fund. Mayor Vaughn believed by having the City pay for the premiums, staff could make sure the insurance is maintained and in force.

Mayor Vaughn asked Mr. Taylor's recommendation for liability limits. Mr. Taylor indicated the funds are looking at \$2,000,000 and \$1,000,000 with deductibles of \$10,000 or \$25,000.

Councilman Brown asked for an example when the insurance would be used. Mr. Taylor commented the odds are slim that it would be needed, but depends on what actions are taken by the boards in respect to investments. Investments are controlled to a great extent by state statutes, but that is not to say that someone could not bring a suit against the board. Whether the suit has a basis or not, the insurance would provide for defense.

Mayor Vaughn asked how the pension boards ended up without insurance. Mr. Taylor did not believe the pension boards ever had insurance. Mr. Sanders pointed out the lack of insurance. Mayor Vaughn commented the people serving on the pension boards need to be protected from liability if the boards are sued. He also asked if the other boards are covered by insurance. Mr. Taylor explained the boards are mostly advisory and directly covered under the City's liability policy.

When the quotes are received, Mr. Taylor will bring them back to the Council for consideration.

9-E "Resolution: Amend Engineering Agreement for North Street Pumping Station Project" The Council was provided with a proposed resolution which authorizes an amendment to the recently approved engineering agreement between the City and Charleston Engineering for the North Street Pumping Station project. The amendment involved adding an appendix to the agreement as required by the Illinois Environmental Protection Agency for all engineering agreements that involve projects where revolving loan funds from IEPA may be used.

Councilman Brown moved to approve Resolution 2013-R-51, seconded by Councilwoman Thomas. A majority affirmative voice vote was received.

9-F "Discussion: Traffic Signals at the Intersection of Whittle and Elm" At the prior meeting the Council discussed the Whittle Avenue and Elm Street intersection. The Council was provided with a memo from Police Chief Paddock regarding his recommendation for the intersection of Whittle Avenue and Elm Street. Both Chief Paddock and Mr. Taylor believed the

intersection should be a four-way stop and that stop signs are sufficient. Mr. Taylor believed it would be wise to remove the lights from the standards and replace them with stop signs for visibility purposes.

Mayor Vaughn moved to continue with having the intersection of Whittle Avenue and Elm Street as a four-way stop and remove the lights and replace them with stop signs, seconded by Councilman Brown. A majority affirmative voice vote was received.

Mr. Taylor indicated city crews will do the work.

9-G “Discussion: Proposal for Richland Country Club” Street Department Supervisor Marty Nuss was contacted by the Richland Country Club regarding the possibility of doing some work on a portion of the cart paths at the country club. Mr. Nuss, with the assistance of Mr. Sanders, prepared a proposal that is subject to the City Council’s approval. A copy of this proposal was provided to the Council. The total cost of the project was \$2,960.00 which does not include anything they may want to do in the spring. The country club has already agreed to the proposal.

Councilman McLaughlin questioned if this work will be done on city times since it is not on city property or in the city limits. Mr. Nuss replied it would be done during regular work hours.

Councilman Ferguson asked how long this project will take to complete. Mr. Nuss indicated less than a week. Councilman McLaughlin asked if it will take time away from other work. Mr. Nuss indicated this project will not be done until the City’s street program is completed, and it will not affect any large projects.

Councilwoman Thomas was concerned this project will open Pandora’s box with more and more requests. She was not against helping neighbors, but did not like to see extra wear and tear on city equipment for non city work. She did not approve of this project.

Councilman Ferguson asked if the country club will have the paths oiled once they are ground down. Mr. Nuss explained the City will grind and pack the paths, but not oil. This process will provide a better path than they have now. The country club will have time between now and spring to decide if they want to do anything further.

Councilman Brown assumed by the price this project is not a very profitable venture for the City. Councilman McLaughlin asked if the cost is to break even. Mr. Nuss commented the proposal covers the cost of labor and machinery based on the same rates MFT was being charged.

Councilman McLaughlin would like to see the City work better with the townships, school district and surrounding properties and businesses as long as the City is not losing money and the projects are not taking away from other projects that should be done or putting City projects behind.

Councilwoman Thomas questioned how the Council will handle requests for private property. Councilman McLaughlin did not know. Councilwoman Thomas stated the City is not about taking care of private requests, but to take care of City business.

Mayor Vaughn is a member of the country club and used to be a member of the board. They have had a problem with the cart paths for several years and had no idea how to take care of the problem. They saw the City's work and thought this would be the solution to their problem. He agreed the City should not compete with private business, but the City has a unique piece of equipment that can solve a very specific problem. He likes the idea that the City will not lose money on this project. He has discussed with Mr. Taylor and Mr. Nuss the possibility of working with other governmental entities in the county. The City has something they are able to use and benefit from, and there may be something they can do for the City in return. He agreed with Councilwoman Thomas and did not want to go over the edge, but in this case he is willing to approve the project. The cart paths are 6 foot wide so most large equipment is useless where the zipper is only 4 foot wide.

Mr. Nuss pointed out within another week the zipper will be moth balled for six months so it might as well be used to generate some money for the City. When it comes to expanding to other projects, the City will have the opportunity to say no at any time the Council wants. Mr. Nuss did not believe every request received should automatically be approved. Every situation is a unique opportunity, but the machinery does have limitations.

Councilman McLaughlin questioned how many employees will be used on this project. Mr. Nuss replied three.

Councilman Brown wanted more information. The proposed cost did not seem very high to him for three employees for a week. He would like to see a spreadsheet that laid out the man hours and machine hours.

Mr. Taylor explained Mr. Sanders and Mr. Nuss worked on the cost proposal. Mr. Sanders explained the \$2,960 was based on 40 man hours, 12 hours for the front end loader, 12 hours for the zipper, 6 hours for the grader and 6 hours for the roller.

Councilman McLaughlin questioned what happens if the project takes longer than expected. Mr. Nuss did not expect the project to take much longer because he knows what the equipment can do. In the event an opportunity comes up again, this project would be the basis for what to charge in the future.

Councilman Brown commented if the City is going to have a test case, this one would be a good one to try, but his first impression was the proposal was too low.

Council McLaughlin commented that in the future there may be an opportunity for the City to use the county or township's equipment, but he did not want to start doing individual's driveways.

Councilwoman Thomas commented that she did not mind helping the county, but was concerned with getting into private business.

Mayor Vaughn pointed out the City has been using the zipper on the parking lot across the street from the courthouse which is actually owned by the First National Bank. Mr. Taylor explained the City has a lease for that parking lot. Mayor Vaughn commented that not all issues are black and white. He was intrigued with the idea that the City will have a base line for future projects and the City is doing a good deed. The equipment will be out of service for an extended period of time so it will not be interfering with the road program. He agreed it should be looked at on a case by case basis, and he did not want to set a precedent that cannot be change in the future.

Councilman Brown understood the road program will end this week. He questioned if that was because of weather or budget constraints. Mr. Nuss commented it was because of weather. Mt. Carmel Stabilization will be shutting down for the season.

Patty Zwilling agreed with Councilman Thomas. She believed there were more important things in town, and the country club is outside city limits.

Mr. O'Neill commented the City needs to stock pile oil and chip so it can be used year round.

Councilman McLaughlin moved to approve the proposal and see how it goes, seconded by Mayor Vaughn. Councilwoman Thomas voted no. Councilman Brown, Mayor Vaughn and Councilman McLaughlin voted yes. Councilman Ferguson abstained. The motion carried.

#### AGENDA #10 "REPORTS FROM ELECTED AND APPOINTED OFFICIALS"

10-A "City Manager - Status Report" Mr. Taylor provided the Council with a drawing of a portion of Musgrove Park. The storm water detention areas have been dug. The pipes will be installed in the next couple of days. In order to get some of the water off of the ball diamonds and into the detention ponds, Mr. Charleston is proposing to replace a culvert at the driveway entrance with a larger culvert. Since the culvert needs to be replaced, it was suggested that the driveway be expanded from the existing 9 feet to 24 feet to allow for better ingress and egress from Silver Street to the parking lots.

Mr. Charleston explained the 9-foot driveway is too small to efficiently handle the two parking lots. A 24-foot driveway was suggested because of the existing trees that line the driveway. Enough room will be allowed to maintain drainage on both sides of the road and preserve the trees. Mr. Charleston suggested widening the entrance when the larger culvert is installed. The rest of the drive could be widened prior to next season. He suggested that a crushed stone driveway be installed, which would be the same as the parking lots, with a concrete apron at Silver Street to avoid having rock drug onto the street. The cost of the culvert and installation would be approximately \$5,000. The asphalt zipper could be used on the existing driveway and used for the surface.

Mayor Vaughn asked if this driveway project has any bearing on the storm water project and if it has to be done now. Mr. Charleston explained it does not have to be done now, but when they decide they are ready to divert the storm water from the diamonds to the detention basins, this is what needs to be done to keep the water from running on Silver Street.

Mayor Vaughn thought the driveway and water detention needs to be a part of the overall plan. Currently, there is no traffic plan for the park. He questioned if this aspect could be delayed without messing up storm water detention until a master plan is developed. Mr. Charleston commented this could be delayed.

Mayor Vaughn questioned the long term plan for the Musgrove house. Mr. Taylor indicated the house is currently being used by the Girl Scouts.

Mayor Vaughn has observed the use of the parking lots at Musgrove Park is very inefficient because it is hard to stripe a gravel parking lot. He suggested stakes to designate parking spaces. Mr. Charleston commented there are flexible stakes that are available. Mayor Vaughn remarked that purchasing stakes might alleviate the need to add more parking lots.

Councilman Brown did not see how widening this road would not be beneficial to the master plan. Councilman McLaughlin agreed this needs to be done before next ball season. Councilman Ferguson commented a traffic plan is needed to help the flow of traffic. Councilman Brown suggested widening the driveway now no matter how the flow of traffic is established.

Councilman McLaughlin has contacted most all the sports leagues. By next week a meeting should take place concerning a long term plan.

There was a question about the excess dirt from the detention basins. Mr. Taylor indicated the City has a use for some of the dirt. He has received inquiries from individuals about the purchase of dirt. He questioned if the Council was interested in selling some of the dirt. It is estimated there are more than 1,000 truck loads. This will be further discussed at the next meeting.

Mr. Charleston was asked to further investigate the parking lot stakes and solicit input from Brad Doll.

Mr. Taylor updated the Council on the playground equipment at the City Park. The replacement of the playground equipment at Kiddie Land will not take place until after the Fall Festival.

Mr. Taylor reported the bid date for the electric aggregation is September 25 in Charleston, Illinois. He and Mr. Sanders will attend the bid opening.

The Illinois Department of Transportation will have an open house/input meeting on October 1 from 4:00 p.m. until 6:00 p.m. in Decatur, Illinois regarding the 2015-2020 multi year

highway improvements. Mayor Vaughn thought someone should attend and wondered if the US 50 Coalition might attend.

Mayor Vaughn noted that the annual squirrel count will take place October 5, 12 and 19. Volunteers were encouraged to contact Mrs. Henton.

Mayor Vaughn also questioned if the City has any responsibilities at the fall festival. Mr. Taylor indicated city crews do a lot of work preparing for the fall festival.

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

Councilmen McLaughlin, Brown, Ferguson, Councilwoman Thomas, Mayor Vaughn, City Manager Taylor, City Treasurer Sanders and City Clerk Henton left the Council Chambers at 8:06 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 9:19 p.m.

AGENDA #13 “ACTION ON CLOSED SESSION”

13-A “Resolution: Release Closed Session Minutes” No action was taken.

13-B “Resolution: Destruction of Closed Session Audio Recordings” No action was taken.

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

The meeting of the City Council adjourned at 9:19 p.m.

Belinda C. Henton  
City Clerk