

CITY OF OLNEY
CITY COUNCIL MEETING
SEPTEMBER 9, 2013

AGENDA #1 “CALL TO ORDER” The September 9, 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. Troy Reynolds 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 August 26, 2013

4-B Approve and Authorize Payment of Accounts Payable September 10, 2013-Pooled Cash \$105,702.35 and Manual Pooled Cash \$130,367.47

4-C Raffle License-Center Shrine Club

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 Brown moved to approve the items on the consent agenda, seconded by Councilman McLaughlin. 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 for items removed from the consent agenda.

AGENDA #8 “PUBLIC COMMENTS/PRESENTATIONS”

8-A “The Perfect Recycle Ordinance Shall Regulate and Not Double Dip” Brian O’Neill complained that the City is double charging when residents pay for recycle and trash.

Jamie McDowell thanked the Council for the use of the City Park during the Red Bone Days of the East Richland Coon Hunter Association. Mr. McDowell presented the Council with a \$200 donation for the use of the community building and facilities. According to Mr. McDowell the event went great. The only problem they experienced was with the electrical hookups for some campers. Several outlets had the wrong type of connection for a camper. Mr.

McDowell questioned if this could be changed for future use. He is also going to talk to the Richland County Fair Board about this situation.

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

9-A “Ordinance: Rezone 1 Acre 3412 N. IL 130 from A-1 to R-S” The Plan Commission recently considered a rezoning request from Keith Craig for a 1 acre tract located in the northwest corner of 3412 N. IL 130 from A-1 to R-S. This property is outside city limits, but is within zoning jurisdiction. One of Mr. Craig’s children wants to build a home on this tract of land. The Plan Commission voted unanimously to recommend approval of the rezoning. The Council was provided with the Plan Commission minutes and a proposed rezoning ordinance.

Councilman McLaughlin moved to pass Ordinance 2013-30, seconded by Mayor Vaughn. Councilwoman Thomas, Councilmen Brown, Ferguson, Mayor Vaughn and Councilman McLaughlin voted yes. There were no opposing votes. The motion carried.

9-B “Request: Class S Liquor License for The Gypsy-September 28, 2013, Olney Arts Council” Bart Zuber requested a Class S liquor license on behalf of the Olney Arts Council so they can have a wine tasting event at the Fall Festival in the Olney City Park on September 28, 2013. A similar arrangement was made with the Richland County Fair Board for a wine tasting event at the fair. Fox Creek Winery will be providing the wine and employees for the event. The Olney Arts Council paid the fee for the license and insurance. Fox Creek Winery also has insurance to cover the event.

Mr. Zuber suggested that a liquor commission could assist the liquor commissioner in redrafting some of the ordinances that do not apply.

Councilwoman Thomas moved to approve the Class S liquor license for The Gypsy on September 28, 2013, seconded by Councilman McLaughlin. A majority voice vote was received.

Mayor Vaughn questioned the requirements for a winery. Mr. Taylor explained the City Council amended the liquor code to provide for a winemakers’ license. A winemakers’ license would be for a special or public event, but it is limited to package sales only and does not include consumption on the premises. The Council could change the code to allow for consumption on the premises at special events.

Mayor Vaughn thought it would make more sense to streamline the process to allow for these events.

Mr. Taylor reported there is a winemakers’ special event permit for \$50 each day or a \$250 annual fee which would cover any event.

9-C “Request: Class S Liquor License for Olney Columbus Club-October 20, 2013” The Olney Columbus Club requested a Class S liquor license on behalf of the St. Joseph Catholic Church for a beer garden at the church on October 20, 2013.

Councilman McLaughlin moved to approve the Class S liquor license for the Olney Columbus Club for October 20, 2013, seconded by Mayor Vaughn. A majority voice vote was received.

9-D “Discussion: Use of Firing Range and Building for Concealed Carry Training” This topic was carried over from the previous meeting. The original purpose was to determine the Council’s opinion for allowing the firing range to be used for concealed carry training. The issues of a rental fee and insurance were discussed.

Last week staff met with representatives from the insurance carrier that provides the City with liability insurance. They discussed insurance for special events and the use of city facilities such as the firing range. The issue is determining the appropriate liability limit to protect the organization hosting the special event and the City. Currently, the City requires \$1,000,000 for most situations, but it has become obvious that this is not enough. It was believed \$5,000,000 to \$10,000,000 would be more appropriate.

Councilman Brown pointed out the City has a certain level of immunity under state law. Mr. Taylor confirmed that fact, but the immunity depends on the circumstances. The higher liability insurance limits would help defend claims.

Mayor Vaughn pointed out the opinion of the insurance carrier was the City should not engage in any activities, or allow any activities, on city property that do not directly benefit the City because the City is unreasonably being exposed to liability. They believed persons or organizations sponsoring events should be required to purchase the same amount of liability insurance as the City provides. This coverage would take care of a catastrophic accident where someone is seriously injured. The insurance companies rate activities into different types of hazard categories. In the past the City has treated all events the same with requiring \$1,000,000 of liability insurance no matter the level of risk. Because of this fact, the insurance company says the City is woefully inadequate and is exposing the citizens to unreasonable liability risk. Mayor Vaughn believed the Council needs to decide what activities the City wants to be associated with.

Councilman Brown commented the City needs to do everything in its power to continue allowing activities such as the fireworks and demolition derbies, but understands if the insurance limits need to be adjusted.

Lynn Ernst questioned if bass tournaments conducted on City lakes are required to provided liability insurance. He was told all boat owners are required to provide liability insurance before a boat sticker is purchased, but no additional insurance is required to conduct a fishing tournament. Mr. Ernst also asked if the City was sued when the person drowned in East Fork Lake. Mr. Taylor indicated the City, along with others, were sued over one death that occurred at East Fork Lake.

Mayor Vaughn pointed out that the people who are selling insurance are the people who see the law suits and that is why they are suggesting the liability and exposure be limited to make sure there is adequate insurance.

At this time Mr. Taylor had no specific request for use of the firing range other than the Olney Gun Club who already has an agreement with the City and insurance in place.

Councilman Brown suggested the City should work with the Olney Gun Club to host concealed carry training because it would be convenient for local people to take training locally. Mayor Vaughn commented the City should work with the insurance company to determine appropriate liability limits.

Mr. Ernst told the Council his club is not allowed to make money so they cannot sponsor training for anyone other than members.

9-E “Resolution: Accept Bid for Musgrove Park Storm Water Detention Project” One bid was opened today for the Musgrove Park Storm Water Detention project. The bid was received from Doll’s Inc. in the amount of \$17,760.00. The Council was provided with a proposed resolution.

Piping and seeding are not included in the bid. These items will be completed by city crews. Mr. Charleston did not have the cost of these expenses, but the total cost of the project will not exceed the \$50,000 budgeted.

Mayor Vaughn questioned if fencing should be required because the depth of the basins when full could be 4'. Mr. Charleston commented the basins could be fenced, but even when full a person could walk out of the basins. Fencing would make it harder to maintain the basins.

Councilman Ferguson moved to approve Resolution 2013-R-48, seconded by Councilman McLaughlin. Mayor Vaughn, Councilman McLaughlin, Councilwoman Thomas, Councilmen Brown and Ferguson voted yes. There were no opposing votes. The motion carried.

9-F “Resolution: Accept Bid for Boone Street Drainage Ditch” Bids were also opened for the Boone Street Drainage Ditch project today. Two bids were received. The low bid was received from Luttrell Backhoe, Inc. in the amount of \$389,373.50. The Council was provided with a bid tabulation. The engineer’s estimate was \$437,622.

Councilman Ferguson moved to accept the low bid from Luttrell Backhoe, Inc. in the amount of \$389,373.50, seconded by Councilman McLaughlin. Councilman McLaughlin, Councilwoman Thomas, Councilmen Brown, Ferguson and Mayor Vaughn voted yes. There were no opposing votes. The motion carried.

Mayor Vaughn questioned the estimated start date. Mr. Charleston explained the start date will be delayed several weeks because of the fabrication of a large culvert and some time

will be needed to complete the contract documents. The completion date for this project has been extended to September 2014.

9-G “Discussion: Proposal for Additional Parking at Musgrove Park” The Council received a proposal with drawings from Brad Doll concerning the addition of two parking lots at Musgrove Park. The Olney Little League is willing to provide 50% of the cost if the City would provide the other 50%.

Councilwoman Thomas questioned if any other organizations that use this area have been contacted to help with this project.

Councilman McLaughlin suggested that a committee needed to be formed consisting of representatives from various organizations to determine a long term plan for Musgrove Park and how to utilize existing space. He proposed proceeding with the 76 space parking lot being proposed in the southwest corner of the park, but holding off development of the 50 space parking lot proposed at the end of Florence Street where the lifeguards park until a committee is formed and it can be determined if this is the best location.

The original plan for Musgrove Park had a street between the playground and skateboard park area. Councilwoman Thomas did not believe that was a safe area for a street. Councilman McLaughlin explained that is why a plan needs to be developed.

Mr. Taylor presented the original plan for Musgrove Park and the Council reviewed that plan.

Mayor Vaughn questioned if there are enough handicap parking spaces. Mr. Doll commented there are eight handicap parking spaces in total, and he has never seen a time when they are all used.

Mayor Vaughn commented that parking at Musgrove Park was a mess all year. The entrance on Florence Street is a major point of congestion. He believed there was a safety concern with vehicles parking along the entrance road because emergency vehicles might not be able to access the circle drive in front of the pool if necessary.

Councilman McLaughlin agreed the circle drive should not be used for parking, it should only be used as an access point. Mayor Vaughn suggested restricting parking on the entrance road if an additional parking lot is added.

Councilwoman Thomas would like to see Florence Street extended to East Street.

Councilman McLaughlin questioned the cost of the south parking lot only. Mr. Doll estimated that parking lot would cost approximately 75% of the estimated cost of \$12,000. Olney Little League would pay 50% of the total cost, but their remaining funds from the fund raising campaign are limited. Some money is being saved for an announcer’s booth and few other long range improvements.

Councilman McLaughlin moved to proceed with building a 76 space parking lot in the southwest portion of Musgrove Park with 50% being paid by the Olney Little League and 50% paid by the City, and amend the budget using the excess funds from Musgrove Detention, seconded by Councilwoman Thomas. Councilwoman Thomas, Councilmen Brown, Ferguson, Mayor Vaughn and Councilman McLaughlin voted yes. There were no opposing votes. The motion carried. Resolution 2013-R-50 will be prepared.

The Council was agreeable to form a committee with a couple of representatives from the City and various organizations that use Musgrove Park to come up with recommendations for a long term plan for Musgrove Park.

Mayor Vaughn asked if there are any plans for more ball fields. Mr. Doll saw no reason to add any additional fields. The leagues have more than enough ball fields to suit their needs.

Councilman Ferguson commented that it would behoove all of the leagues to recommend to players to car pool when coming to Musgrove Park.

Mayor Vaughn asked if the leagues have talked about adjusting schedules so not all games end at the same time. Mr. Doll explained the biggest problem is the cross over when one game ends and the next teams are arriving. He did not see a way to prevent that congestion.

Councilman McLaughlin suggested that no one park in the area where the lifeguards park east of the pool. Allowing the lifeguards to park in this area gives other people the expectation of parking availability in that area. Councilman Ferguson commented this matter needs to be looked into before next summer. He understands the concept, but hates to lose that parking area. Mayor Vaughn also suggested only handicap parking be allowed on the entrance road.

AGENDA #10 “REPORTS FROM ELECTED AND APPOINTED OFFICIALS”

10-A “City Manager - Status Report” Mr. Taylor reported the City received a visit from the Insurance Services Organization (ISO). They inspected the Fire Department, fire hydrants and conducted flow tests. Based on their inspection, no change in classification will take place for insurance purposes.

Mr. Taylor has received the signature page back from IEPA for the \$40,000 shoreline protection grant. The City is now in the position to proceed with the project.

Currently, the flashing red lights at the corner of Elm and Whittle are not working. Many years ago this intersection was controlled by traffic signals, but when they became inoperable, they were converted to four-way flashing red. Mr. Taylor questioned whether the Council wanted to repair the four-way flash or have stop signs only.

Councilman Brown suggested using stop signs, but questioned if the intersection could be a two-way stop. He believed the intersection of Whittle and Chestnut should be a four-way stop instead of Whittle and Elm. Police Chief Paddock believed the Whittle/Elm intersection

would be safer as a four-way stop intersection. The Council asked Chief Paddock to look into the matter of flashing versus signs and give his recommendation. A cost estimate will also be obtained for the flashing lights, and this matter will be brought back to the Council.

Mr. Taylor reported an issue was raised concerning the use of the trails around the firing range. There have been times when the trails have been used by motorized vehicles. Mr. Taylor commented the intent for the use of the trails was primarily for horses, hikers and bicycles. There is nothing in the code that regulates or prohibits the use of motor vehicles on the trails.

Councilman Ferguson always understood ATV's could be used on trails. Mayor Vaughn commented that brings back the discussion of insurance and liability. He did not believe motor vehicles should be allowed.

Mayor Vaughn moved to restrict motor vehicles, seconded by Councilwoman Thomas. Mr. Taylor suggested that an ordinance be drafted for the Council's consideration.

Mr. Taylor expressed his appreciation to the Fire, Street and Sewer Departments and the other City employees involved with the various aspects of the fire on Route 130 last week.

Councilman McLaughlin questioned when the new playground equipment will be installed. Mr. Taylor reported the new equipment for Kiddie Land will be installed before the end of the month. The other equipment will be installed after the Fall Festival is over on September 28.

Mayor Vaughn questioned how the City is doing financially this year. Mr. Sanders reported for the most part revenue is about equal or ahead of last year. Expenditures are generally on track. There has been nothing out of the ordinary that was not anticipated or budgeted.

Mayor Vaughn asked about the bidding for the new electric aggregation rates. At this time Mr. Taylor did not know when new rates will be bid.

AGENDA #11 "CLOSED SESSION: SALE PRICE OF REAL PROPERTY AND APPOINTMENT OR EMPLOYMENT OF SPECIFIC EMPLOYEES" Councilman McLaughlin moved to adjourn to closed session to discuss the sale price of real property and appointment or employment of specific employees, seconded by Councilwoman Thomas. 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 8:31 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 Councilwoman Thomas. A majority affirmative voice vote was received. Open session resumed at 9:17 p.m.

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

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 9:17 p.m.

Belinda C. Henton
City Clerk