

CITY OF OLNEY  
CITY COUNCIL MEETING  
JANUARY 14, 2013

AGENDA #1 "CALL TO ORDER" The January 14, 2013 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. Mayor Lambird 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 "PRESENTATION OF CONSENT AGENDA"

4-A Approve Minutes of Council Meeting on December 10,2012

4-B Approve and Authorize Payment of Accounts Payable January 15,2013-Pooled Cash \$71,147.87, Manual Pooled Cash \$353,276.03, Pooled Cash dated December 20, 2012 \$65,683.49, Water Deposit Refunds \$2,062.85, Motor Fuel Tax \$6,902.68, Levied Insurance \$138,742.00 and Christmas Light Display \$4,188.49

4-C Ordinance: Sale of Personal Property-Recycle Scrap Metal-Ordinance 2013-01

4-D Raffle License-American Legion Post #30

4-E Raffle License-Olney Little League, Inc.

AGENDA #5 "REMOVAL OF ITEMS FROM CONSENT AGENDA" No items were requested for removal.

AGENDA #6 "CONSIDERATION OF CONSENT AGENDA" Councilman Brown moved to approve 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 CONSENT AGENDA" No consideration was necessary for items removed from the consent agenda.

AGENDA #8 "PUBLIC COMMENTS/PRESENTATIONS"

8-A "Government and Citizens Discriminating Against People with Disabilities" Brian O'Neill told the Council they have no common sense. No public official has been able to do what he is going to do, get people off of government assistance. According to Mr. O'Neill the public is discriminating against people who are on public assistance. Mr. O'Neill announced he will be starting up a major media business. He believed it was time people with disabilities are treated equal.

Randy Fehrenbacher, 911 E. Cherry, commented on the leaf burning ban. Mr. Fehrenbacher understood there are some health concerns with leaf burning, but leaf burning only takes place a few weeks of the year. He objected to being only allowed to place the leaves between the ditch and sidewalk. He questioned if leaves could also be picked up in the alleys. He did not believe the program worked as well as planned, but the workers did a good job when they finally got to his house. He talked about all of his surgeries, and explained it is more work for him to haul leaves to curb rather than burning. He suggested crews should not just pick up leaves on the list, but everything they see. He would like to see the system be more efficient.

Councilman Ferguson asked if the leaf crew could go down alleys. Mr. Taylor did not know if requests for pickups in alleys were made.

Councilman Foster did not see why pickups could not be made in alleys if the alleys were all weather. Councilman Foster admitted the City was not prepared, but believed next year they would be better prepared. He apologized for the problems Mr. Fehrenbacher experienced.

#### AGENDA #9 "PRESENTATION OF ORDINANCES. RESOLUTIONS. ETC."

9-A "Ordinance: One No Parking Space-503 W. Main" Roger and Cheri Spillman of 503 W. Main Street have requested that the first parking space just east of their driveway be changed to a no parking area. This parking space is very close to their driveway. The Council was provided with a proposed ordinance along with pictures of the parking situation. Former Police Chief Brown looked at the situation prior to his retirement and recommended approving their request.

Councilman Foster asked if there was a problem with limiting parking. Mr. Taylor commented there is parking on the north side of Main Street.

Councilman Brown moved to approve the proposed no parking ordinance, seconded by Councilwoman Thomas.

Councilman Foster asked if other neighbors have been notified of this change. He did not want to cause a imposition for the neighbors. Mr. Taylor commented no other neighbors were contacted.

Councilman Brown moved to table action on the proposed no parking ordinance, seconded by Councilwoman Thomas.

City staff was asked to notify neighbors in each direction of the proposed no parking ordinance.

9-B "Ordinance: Amend Water Code Regarding Maintenance of Service Lines" The Council was provided with a proposed ordinance amending several provisions in the City's water code. The primary reason for the amendments is to clarify the City's position regarding the maintenance of water service lines. If the proposed ordinance is passed, the property owner would

still be responsible for installing the water service lines from the main to the property, but the City would repair and maintain the water service line from the main to the curb stop, not to exceed 75 feet. The City would also maintain the 3/4" and 1" water meters. The remainder of the service line and all other meters would be the responsibility of the property owner. Some other clarifications are being proposed along with two sections relating to liability and inspections which came from a model ordinance from the Illinois EPA. At this time Mr. Taylor was not proposing any changes to the sewer code regarding the repair and maintenance of sewer lines.

After reviewing the proposed ordinance, Councilman Foster thought there needed to be a definition for a new installation so it was clear as to the city's responsibility. He questioned if the City would be responsible for the cost of installation if a resident wanted to upgrade their service line from 3/4" to a 1" service line. It was determined once the original installation was made, the City would be responsible for repairs.

Councilman Foster understood the City owns all meters. Tom Umfleet clarified the City owns all 1" or smaller meters.

Councilman Foster questioned the procedures for testing meters. Mr. Umfleet explained the customer only pays for testing when the meter tests accurate.

It was questioned whether the City should be responsible for service line maintenance from the main to the curb stop or the main to the property line. Mr. Taylor commented most meters are just inside the property line.

Mayor Lambird asked how this policy lines up with the sewer policy. Mr. Taylor commented the two policies are different. The state's model ordinance for sewer says residents are responsible for sewer lines to the main since there are no curb stops for sewer.

Councilman Brown asked if it would be easier to make the responsibility of the service line to be the property line since some properties do not have curb stops. Mr. Taylor commented curb stops are usually very close to the property line.

Councilman Ferguson requested this issue to be tabled to allow time for further review.

9-C "Discussion: Requests for Reimbursement of Service Line Repairs" Previously, the City received a copy of a bill dated August 10, 2006 that J. D. Bromms received from Ochs Plumbing. Mr. and Mrs. Bromm are requesting that the City reimburse them for what they believe is the responsibility of the City. The City has also received a request from two other property owners for reimbursement relating to replacement of two sewer lines.

It was Councilman Foster's opinion the City would be responsible for the cost of waterline repairs after the water code was amended. He did not believe the City should reimburse residents for past expenses.

Councilman Foster moved to not make any refunds for past service line expenses. Mr. Taylor did not believe a motion was needed.

9-D “Ordinance: Closure of the 500 Block of E. Chestnut” The Council was provided with a proposed ordinance closing the 500 block of E. Chestnut from 7:00 a.m. to 3:00 p.m. during school days. When the Council approved the original request made by St. Joseph School to close Chestnut Street, an ordinance was not passed to provide any enforcement. St. Joseph School has reviewed and is in agreement with the proposed ordinance.

Councilman Foster moved to pass Ordinance 2013-02, seconded by Councilman Ferguson. Councilman Ferguson, Councilwoman Thomas, Councilmen Foster and Brown voted yes. Mayor Lambird abstained. There were no opposing votes. The motion carried.

9-E “Resolution: Accept Quote from Miracle Recreation Equipment for Playground Equipment at City Park” Park Department Supervisor Frank Bradley has prepared a plan for the use of the \$15,000 in the budget for playground equipment. The Council received copies of these plans, a memo from Mr. Bradley, a quote from Miracle Recreation Equipment Company and a proposed resolution approving the purchase of the playground equipment in the amount of \$15,064.00.

Councilman Foster questioned if the playground would be elevated like it was shown in the pictures provided. Mr. Bradley suggested creating an elevated area for the playground so the tree roots will not be affected. Mr. Bradley commented that the existing teeter totter, tire swing and balance beam will be removed.

Councilman Ferguson moved to approve Resolution 2013-R-01, seconded by Councilwoman Thomas. Mayor Lambird, Councilwoman Thomas, Councilmen Foster, Brown and Ferguson voted yes. There were no opposing votes. The motion carried.

9-F “Discussion: Snow Blade for Skid Steer” Mr. Taylor commented that there had been some discussion concerning the use of the skid steer for clearing snow from sidewalks and parking lots. Sewer Department Supervisor Tony Steber received a quote for \$2,800 for an 8' push box for the skid steer. He also received a quote for \$2,450 from B & M Equipment. Mr. Taylor explained nothing has been budgeted for this purchase. Mr. Steber has money left over from the purchase of the vac truck, but Mr. Taylor explained the purchase of the snow box should be a general corporate expense, not a sewer department expense.

The Council suggested that this purchase be considered in the next years' budget.

9-G “Discussion: Brush Dump Hours of Operation” Due to inclement weather, the brush dump has been closed except for January 12. Mr. Taylor suggested opening the brush dump on Saturdays only in January and February unless the weather dictates otherwise. Mr. Taylor requested the Council's input.

The Council agreed to only have the brush dump open on Saturdays during January and February, but inclement weather could cause the dump to be closed or additional hours could be added in case of storm damage.

9-H “Resolution: Amend Budget Transferring Remaining Funds from Part-Time Leaf Vac to Part-Time Help” The Council was provided with a summary of expenses for the leaf pickup program. Total expenses including initial purchase of equipment and labor are \$28,738.70. The part-time expenses were just under \$10,600, but \$17,000 was budgeted. Street Department Supervisor Marty Nuss requested that the \$6,400 remaining in the part-time leaf vac line item be transferred to the part-time help line item for use during the remainder of the fiscal year. The Council was provided with a proposed resolution amending the budget as requested.

Councilman Foster questioned what projects are planned for which Mr. Nuss needs additional part-time help. Mr. Taylor commented that there are no specific projects, but the part time help would be used to help clean catch basins and other miscellaneous work.

Councilman Brown questioned if it would make more sense to use the money to make the leaf pickup program more efficient for next year. Before the next meeting, Councilman Brown asked for Mr. Nuss to look at how he could spend \$6,400 to make the leaf program more efficient.

Councilman Foster commented if cleaning out catch basins is a priority, he would still consider the transfer of money between the two line items.

9-1 “Appointment: Kevin Paddock to JEDS Board” Since the establishment of the JEDS Board, the Police Chief has been one of the two City representatives on that board. Mr. Taylor recommended that the Council appoint Police Chief Kevin Paddock to the JEDS Board.

Councilman Foster moved to appoint Kevin Paddock to the JEDS Board, seconded by Councilman Ferguson. A majority affirmative voice vote was received.

It was Councilman Foster's opinion the County Board Chairman should be contacted and asked about the possibility of appointing Chief Paddock to the 911 Board. Currently, the City has no representation on the 911 Board, even though a large part of the money comes from the City.

9-J “Appointment: Mike Mitchell as ADA Coordinator” Olney Firefighter Mike Hill was previously designated as the City's ADA Coordinator. He has submitted a letter requesting that he be removed from that position. Mr. Taylor suggested Mike Mitchell be designated as the City's ADA Coordinator. Mr. Mitchell deals with some ADA issues on a regular basis.

Councilman Ferguson moved to appoint Mike Mitchell as the ADA Coordinator, seconded by Councilman Foster. A majority affirmative voice vote was received.

AGENDA #11 “REPORTS FROM ELECTED AND APPOINTED OFFICIALS”

10-A “City Manager - Status Report” Mr. Taylor reported due to the recent rains, Frank Bradley indicated East Fork Lake raised 28” which is estimated to be 720,000,000 gallons. The water plant only pumps 500,000,000 a year.

This coming Wednesday is the deadline for opting out of electric aggregation. If Ameren lowers their rate below the bid rate, Homefield is required to lower their rate.

Mayor Lambird commented the Christmas light display had the best year on record. More than 17,000 vehicles went through the display and over \$16,000 was collected. He believed a good effort was made to make the display better this year. He thanked everyone that was involved.

Mayor Lambird also commented that the Street Department did an extraordinary job with the snow cleanup.

Councilman Foster mentioned the vandalism that took place at the Musgrove Park Ball Complex restrooms. He questioned if the security cameras were working. It was explained that the vandalism was done before the cameras were installed.

Councilman Foster noticed painted graffiti at the Rotary Park restrooms. He believed security cameras may also need to be purchased for that area.

Councilman Brown commented when the cameras were purchased, there was some discussion concerning the need for a policy. Mr. Taylor has not worked on a policy yet.

Councilman Foster questioned a \$15,000 expense for fire prevention materials. Mr. Sanders had no record of that expense, but will look into the matter.

Councilwoman Thomas commented on a junk complaint for the repair shop on Main Street. Mr. Taylor reported that Mike Mitchell has talked to the owners.

Councilwoman Thomas also commented barricades still have not been placed at the empty lot east of Wildwood Galleries.

AGENDA #12 “CLOSED SESSION: APPOINTMENT, EMPLOYMENT AND PERFORMANCE OF SPECIFIC EMPLOYEES, SETTING PRICE FOR SALE OR LEASE OF PROPERTY AND REVIEW OF CLOSED SESSION MINUTES” Councilman Brown moved to adjourn to closed session to discuss appointment, employment and performance of specific employees, setting price for sale or lease of property and review of closed session minutes, seconded by Councilwoman Thomas. A majority affirmative voice vote was received to adjourn to closed session.

Councilmen Foster, Brown, Ferguson, Councilwoman Thomas, Mayor Lambird, City Manager Taylor, City Treasurer Sanders and City Clerk Henton left the Council Chambers at 8:35 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 affirmative voice vote was received. Open session resumed at 9:50 p.m.

AGENDA #13 “ACTION ON CLOSED SESSION”

13-A “Resolution: Release Closed Session Minutes” Councilman Ferguson moved to approve Resolution 2013-R-02, seconded by Councilwoman Thomas. A majority affirmative voice vote was received.

13-B “Resolution: Destruction of Closed Session Audio Recordings” Councilman Foster moved to approve Resolution 2013-R-03, seconded by Councilman Brown. A majority affirmative voice vote was received.

13-C “Ordinance: Authorize Lease with Richland County Farm and Fair Association” Councilwoman Thomas moved to pass Ordinance 2013-03, seconded by Councilman Brown. Councilmen Foster, Brown, Ferguson, Mayor Lambird and Councilwoman Thomas voted yes. There were no opposing votes. The motion carried.

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

The meeting of the City Council adjourned at 9:51 p.m.

Belinda C. Henton  
City Clerk