

CITY OF OLNEY  
CITY COUNCIL MEETING  
JANUARY 28, 2013

AGENDA #1 “CALL TO ORDER” The January 28, 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. Brett Best led the group in a prayer.

AGENDA #3 “ROLL CALL” The following Council members were present: Barb Thomas, Gary Foster, Brad Brown and Mark Lambird. Also present were City Manager Larry Taylor, City Treasurer Chuck Sanders and City Clerk Belinda Henton. Councilman Bob Ferguson and City Engineer Roger Charleston were absent.

AGENDA #4 “PRESENTATION OF CONSENT AGENDA”

- 4-A Approve Minutes of Council Meeting on January 14, 2013
- 4-B Approve and Authorize Payment of Accounts Payable January 29, 2013-Pooled Cash \$120,811.73 and Water Deposit Refunds \$1,224.62
- 4-C Raffle License-American Legion Post #30

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 Councilman Foster. 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 “Executive Officer Power and Change” Brian O’Neill stated he is running for Mayor and wanted to give a sample of why Mayor Lambird was not qualified. He went on to state Mayor Lambird did not understand the position. Mr. O’Neill alleged Mayor Lambird made discriminatory statements against him and other people with disabilities. Mr. O’Neill also expressed his dissatisfaction with the Council appointing Mike Mitchell as the ADA Coordinator. He did not believe Mr. Mitchell was qualified. Mr. O’Neill stated people like him have knowledge and education in all areas.

Mr. O’Neill went on to say people in the community are accusing the Mayor, City

Council and City Treasurer of spending money being received from Mr. O'Neill's parents for the past 27 years. Mayor Lambird commented to the media that was not true.

Mr. O'Neill also complained that police officers have used slander against him.

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

9-A "East Fork Arena Update" Al Zellmer presented a map of the arena area indicating improvements that the White Squirrel Saddle Club have made along with proposed improvements.

Mr. Zellmer indicated a couple of years ago water almost ran into the range house. When the water rises, it covers the septic tank. It was Mr. Zellmer's opinion that a farmer caused the drainage problem by plugging up the drainage ditch. Mr. Zellmer indicated that Mr. Charleston has been asked to look at the situation. Mr. Zellmer commented that the building probably should not have been built in that location, and the White Squirrel Saddle Club probably should not have spent money remodeling the building. Mr. Zellmer asked that the drainage problems be corrected.

Mr. Zellmer thanked Mayor Lambird for his comments which were printed in the newspaper concerning the moving of the shooting range.

Approximately two years ago a tornado went through the arena area. The White Squirrel Saddle Club cleaned up the arena area, but according to Mr. Zellmer, former City Manager Bukas promised to clean up the area around the shooting range. Mr. Zellmer asked if this will ever get cleaned up. There are broken light poles and downed trees. The White Squirrel Saddle Club is planning a grand opening at the arena this summer, and they would like for the area to look nice.

In the past Mr. Zellmer discussed with the Council the addition of a public entrance area with a parking lot. Mr. Zellmer estimated this project would cost approximately \$1,050 to \$1,200 for materials. The gravel will cost between \$500 to \$550, a sign will cost between \$350 and \$400 and plastic fencing will cost between \$200 and \$250. The parking lot should be large enough to hold approximately 5 to 6 cars and maybe a couple of horse trailers. If the Council is interested in proceeding with this project, they should let Mr. Zellmer know.

Councilman Foster explained this project will have to be considered along with everything else during the budget process.

Mr. Zellmer indicated the grand opening is set for June 14-16, 2013. He asked that someone contact the Olney Gun Club so they will plan not to be out there during this time. The saddle club expects to be out at the arena from June 10-16.

Mr. Zellmer also indicated that someone is dumping the trash barrels into the woods. He commented it has to be someone with a key or combination to the facility. He suggested getting rid of the barrels. Councilman Foster suggested chaining the barrels to a tree. The White Squirrel Saddle Club takes out their trash when they leave.

Mr. Zellmer contacted the Illinois Department of Public Health concerning the licensing requirements for a campground. Mr. Zellmer received a letter of response after an inspection by the Illinois Department of Public Health. They indicated the arena area does not meet the definitions of a campground and licensing is not required. If the facility provided overnight camping for recreational vehicles, a campground license would be required. A licensed campground must provide a dump station, grounded water hydrants and the existing light fixture would have to be changed. Horse trailers do not qualify as a recreational vehicle.

Mr. Zellmer commented the White Squirrel Saddle Club cannot get paid for a bill that he said has been submitted three or four times. He received an e-mail from former City Manager Bukas on July 21 of 2010, saying the Council had approved expenses of \$1,747. According to Mr. Zellmer, he turned in receipts, but cannot get paid. Mr. Zellmer explained the items were purchased and installed. The building has been completed for approximately two years.

City Clerk Henton commented City Hall has no record of receipts and has asked Mr. Zellmer for copies of the receipts. Originally, the Council approved the purchases upon Mr. Zellmer's estimates, and was waiting on receipts to make payment.

Councilman Foster asked if someone could verify the items on the list have been purchased and installed. Mr. Zellmer commented everything is visible.

Councilman Foster asked if the saddle club could submit something that would satisfy the City's auditor concerning these purchases. Mr. Taylor did not know what else could be provided if receipts were not available. Mr. Sanders stated it is standard practice to have receipts, but if Mr. Taylor approves an exception it will be noted.

Mr. Zellmer explained purchases were made from Lowe's in Vincennes, Indiana with saddle club checks. According to Mr. Zellmer, he was originally instructed to make purchases from Hurns, but Hurns complained he was not turning in bills quick enough.

Councilman Foster commented during his time as Fire Chief, there was never one receipt lost and bills were always paid by the accounts payable clerk. Mr. Zellmer insisted he had

turned the bill in three times at City Hall and it has never been paid. Councilman Foster clarified receipts were needed. Mr. Zellmer insisted receipts must have been received because Mr. Bukas' e-mail indicated a bill for \$402.72 was approved. Mr. Zellmer explained he cannot control what goes on in City Hall nor what happened to Councilman Foster during his time as Fire Chief. Mr. Zellmer stated he was told he would not be paid unless receipts were received, but he does not have receipts and has no way to get them.

Mayor Lambird asked Mr. Zellmer if he had canceled checks. Mr. Zellmer answered yes if he went and dug for them, but the check may include other purchases. Mr. Zellmer stated he wanted this resolved. Councilman Foster commented receipts are needed. Mr. Zellmer stated he was not the one that lost the receipts. Councilman Foster said that it is his word against the word of the City staff.

Councilman Brown commented if purchases are reasonable, the City should reimburse the saddle club for their expenses. Mr. Taylor stated he will have Mike Mitchell look at the improvements. Mr. Taylor commented if the Council is agreeable to reimburse the saddle club, a budget amendment will be needed because nothing has been budgeted for this expense. The resolution will be brought back to the Council in two weeks.

Mr. Zellmer asked who will come to the grand opening after he worked on this project for six years.

9-B "Ordinance: One No Parking Space-503 W. Main" At the last Council meeting, an ordinance was presented regarding the designation of one parking space in front of 503 W. Main as "no parking." The Council requested that City staff contact property owners in the immediate area regarding this issue. City Clerk Henton contacted property owners in each direction of 503 W. Main and no one in the immediate area objected to the request for no parking.

Councilman Foster moved to take the motion from the previous meeting from the table, seconded by Councilwoman Thomas. A majority affirmative voice vote was received.

A majority affirmative voice vote was received to pass Ordinance 2013-04.

9-C "Ordinance: Amend Water Code Regarding Maintenance of Service Lines" At the last Council meeting, an ordinance was presented to address some questions and concerns raised concerning the repair and maintenance of private water lines, particularly in the right of ways.

The proposed ordinance requires the property owner to pay for the installation of the services lines. However, once the service lines are installed, the City will maintain and repair the service lines to the curb stop, but not farther than 75 feet. The ordinance only addresses the repair and maintenance of service lines. If a property owner wants to upgrade the service line in

some way, whether by materials or size, it will be the responsibility of the property owner. The City will maintain the service lines thereafter.

Councilman Brown questioned the maintenance responsibility difference between the curb stop and property line. Mr. Taylor indicated in most cases they are very similar. The curb stop is in the right of way near the property line and the meter is on the property, but usually the meter is close to the property line. Mr. Taylor explained it would be easier to use the curb stop as the point where maintenance responsibility changes because it is a physical piece of equipment opposed to the property line which may not be physically marked.

Councilman Brown asked what will happen if there is not a curb stop. Mr. Taylor commented the City's responsibility will go no further than 75'. Councilman Brown commented that either way, this ordinance will be beneficial for the customers.

Councilman Foster asked if the City requires a homeowner to purchase their water meter from the City. Mr. Taylor explained a 3/4" meter is provided to the homeowner without charge. A meter 1" or larger must be purchased from the City or the same type can be purchased from another vendor.

Councilman Foster clarified that under this proposed ordinance the City will maintain the service line up to the curb stop for 1" lines or larger. Mr. Taylor confirmed that was correct no matter if the service is for a commercial or residential customer, but the City does not test meters over 1". Larger meters are owned by the property owner and tested at the expense of the property owner.

Councilman Foster moved to pass ordinance 2013-05, seconded by Councilman Brown. Mayor Lambird, Councilwoman Thomas, Councilmen Foster and Brown voted yes. There were no opposing votes. The motion carried.

9-D "Ordinance: Linn Street Stops for Gadde Bridge Lane and Cottage Hill Road" Staff received a request for the Council to consider a stop sign for the southbound traffic on Linn Street at Gadde Bridge Lane. This is the intersection where Cottage Hill Road extends north to the Blue Knight Apartments and becomes Linn Street. It has been suggested that a stop sign be placed at the exit from the Blue Knight Apartments. Traffic would not have to stop going around the curve at Cottage Hill Road and Gadde Bridge Lane. Linn Street is not a through street. Police Chief Paddock looked at the situation and was agreeable with installing a stop sign.

Councilman Foster moved to pass ordinance 2013-06, seconded by Councilman Brown. Councilwoman Thomas, Councilmen Foster, Brown and Mayor Lambird voted yes. There were no opposing votes. The motion carried.

9-E “Resolution: Amend Budget Transferring Remaining Funds from Part-Time Leaf Vac to Part-Time Help” At the last Council meeting, a resolution was presented to transfer funds remaining in the Part-Time Leaf Vac line time to the regular Part-Time Help line item in the Street Department. The Council requested additional information regarding what needs to be done to prepare for the leaf pickup program for next year, and if any of the funds should be used in preparation for next year. The Council also wanted information concerning the projects or type of work that would be performed by the part-time employees between now and mid-April. Street Department Supervisor Marty Nuss provided a memo to the Council explaining how the part-time employees would be used.

Concerning the leaf pickup program, it makes more sense to convert an existing truck for the leaf pickup program in the fall just prior to the leaf pickup program. If the truck was converted now, it would not be useable until fall. Mr. Nuss outlined in his memo there are a lot of jobs that part-time employees can be used for such as tree trimming, cleaning out catch basins and helping with concrete work.

Councilman Foster moved to approve Resolution 2013-R-04, seconded by Councilwoman Thomas. Councilmen Foster, Brown, Mayor Lambird and Councilwoman Thomas voted yes. There were no opposing votes. The motion carried.

9-F “Resolution: Authorizing the Appropriation of \$50,000 of MFT Funds for Bituminous Patching, Crushed Stone and Concrete” The Council was provided with a proposed MFT resolution authorizing the purchase of \$50,000 of concrete and related materials. This will allow concrete work to progress during the mild weather. At a later time a supplemental resolution will be proposed for the annual oil chip program.

Councilman Foster moved to approve the MFT resolution, seconded by Councilwoman Thomas. Councilman Brown, Mayor Lambird, Councilwoman Thomas and Councilman Foster voted yes. There were no opposing votes. The motion carried.

9-G “Resolution: Authorize Purchase of Pump, Materials and Labor for East Fork Lake Pump House” The Council was provided with a memo from Water Plant Supervisor Frank Bradley and a proposed resolution authorizing the purchase and installation of a pump, materials and labor necessary to replace the #2 low service pump at East Fork Lake. Pump Repair Specialist, Inc. of Oblong, Illinois obtained quotations from two vendors for the pump and related materials.

Mr. Taylor suggested that bidding procedures be waived and the budget be amended to include this capital improvement item in the budget and amend the budget enough to cover the expenses for the variable speed drive which will be considered next. Total expense for both items is \$20,546. The proposed budget amendment moves money from the East Fork Lake Dam

Repairs. The dam repair will probably have to be put in the next budget year because revised plans have not yet been approved.

Councilwoman Thomas moved to approve Resolution 2013-R-05, seconded Councilman Foster. Mayor Lambird, Councilwoman Thomas, Councilmen Foster and Brown voted yes. There were no opposing votes. The motion carried.

9-H “Resolution: Authorize Purchase of Variable Frequency Drive” The Council was also provided with a proposed resolution authorizing the purchase of a 40-hp variable frequency drive with 90 amp breaker from Quality Electric, Inc. in the amount of \$9,031. The cost of this purchase was included in the budget amendment approved in Resolution 2013-R-05.

Councilman Foster clarified the variable frequency drive works at various speeds depending on demand which reduces energy costs. Mr. Bradley verified that was correct and a significant savings has been realized.

Councilman Foster moved to approve Resolution 2013-R-06, seconded by Councilman Brown. Councilwoman Thomas, Councilmen Foster, Brown and Mayor Lambird voted yes. There were no opposing votes. The motion carried.

9-I “Discussion: Options for Old Sewer Department Flusher Truck” Mr. Taylor explained Sewer Department Supervisor Tony Steber requested that the Council consider various options for the old Sewer Department flusher truck. A new flusher truck was recently purchased and is now in service. The old truck needs to be disposed of and the Sewer Department has expressed interest in obtaining the rescue truck which has been retired from the Fire Department. Mr. Steber suggested trading the old flusher truck for the rescue truck and then the City can sell the flusher truck. The proceeds from the sale of the flusher truck could be applied to the loan on the fire truck or applied to a purchase of a ladder truck. The estimated value of the flusher truck is \$20,000. Mr. Steber may have another community interested in the flusher truck. The truck could be sold by a vendor or on GovDeals.com.

Councilman Foster was in favor of trading the flusher truck for the rescue truck, selling the rescue truck and applying the proceeds toward the purchase of a truck in the Fire Department. Councilman Brown was also agreeable.

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

10-A “City Manager - Status Report” Mr. Taylor reported he and several staff members have a meeting scheduled with Energy Systems Group on January 29 regarding their proposal. Several months ago Energy Systems Group requested to look at various departments and systems in an effort to prepare a proposal where certain types of improvements could be made to

save energy. Energy saving projects would be contracted out and paid for with savings from the improvements. Energy Systems Group guarantees the savings will pay for the projects, and if not they pay for the difference.

Mr. Taylor reminded the Council of the work sessions scheduled for January 31 at 6:30 p.m. at the Fire Station.

Mr. Taylor scheduled a meeting on February 4 at 7:00 p.m. with Mr. Charleston and homeowners from the Boone Street area. The purpose of the meeting is to explain the project to the homeowners, and the need for various drainage easements and construction easements. These easements are needed during the construction and maintenance of the Boone Street improvements.

Bids were opened last week for sanitary hauling. Currently, staff is evaluating the bids and associated costs. One or more proposals will be provided to the Council prior to the next meeting. The current sanitary hauling franchise expires the end of February.

The City recently received funds from a class action lawsuit in the amount of \$118,978.86. This money was placed in the water fund.

Mayor Lambird complimented Park Department Supervisor Frank Bradley for making good progress in taking down the Christmas lights at the City Park.

Mayor Lambird also congratulated City Clerk Belinda Henton on the new website. The new website will be beneficial to the public.

Councilman Foster provided Mr. Taylor with a list of eight buildings which need attention. Councilman Foster believed the City needs to do everything it can to get these places cleaned up.

Councilwoman Thomas questioned the status of getting a fence up at the junkyard on W. Main Street. Mr. Taylor did not know the time frame.

AGENDA #12 “CLOSED SESSION: APPOINTMENT, EMPLOYMENT AND PERFORMANCE OF SPECIFIC EMPLOYEES, COLLECTIVE NEGOTIATING MATTERS AND PROBABLE LITIGATION” Councilman Brown moved to adjourn to closed session to discuss appointment, employment and performance of specific employees; collective negotiating matters and probable litigation, seconded by Councilman Foster. A majority affirmative voice vote was received to adjourn to closed session.

Councilmen Foster, Brown, 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 10:32 p.m.

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

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 10:33 p.m.

Belinda C. Henton  
City Clerk