

**AGENDA  
CITY OF SALEM  
REGULAR CITY COUNCIL MEETING  
July 16, 2018**

- I. Call to Order**
- II. Prayer and Pledge of Allegiance**
- III. Presentation of Petitions/Public Comments**
- IV. Mayor's Report and Presentations**
  
- V. City Council Action**
  - 1. Consent Agenda
    - a. Approval of Minutes – July 2, 2018
  - 2. Approval of Mayoral Appointments to Zoning Board
  - 3. Approval of Location for Inclusive Playground within Bryan Park
  - 4. Approval of Ordinance Creating Additional Class G Liquor License for Establishment at Days Inn
  - 5. First Reading – Amendments to Chapter 10 Regarding Nuisances
  - 6. Approval of Rhutasel Engineering Agreement for Downtown Sidewalk and Paving Projects
  - 7. Approval of Additional Funding for Downtown Theatre Expansion
  - 8. Discussion on Development Concepts at Former Brown Shoe and Armory Sites
  - 9. Approval of Purchase of Valves for WWTP
  - 10. Approval of Surplus Bicycles Held by Salem Police Department
  - 11.. Approval of Bills Payable
  
- VI. City Manager Report**
- VII. City Attorney Report**
- VIII. Finance Director Report**
- IX. City Council Report**
  
- X. Executive Session**
  - 1. 5 ILCS 120/2 (c)(21) – Executive Session Minutes
  
- XI. City Council Action**
  - 12. Approval of Executive Session Minutes from January 15, February 20, March 5, and May 7, 2018
  - 13. Approval of Action Related to Previously Closed Executive Session Minutes
  
- X. Adjournment**

**Bill Gruen  
City Manager**

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**MINUTES  
CITY OF SALEM  
CITY COUNCIL MEETING  
July 16, 2018 – 6:00 pm**

**I. CALL TO ORDER**

The regular July 16, 2018 meeting of the City Council was convened at 6:00 p.m., and called to order by Mayor Rex Barbee.

**Council members present:**

Councilman Jim Koehler  
Councilman Nic Farley  
Councilman Craig Morton  
Councilwoman Sue Morgan  
Mayor Rex Barbee

**Council member absent:** None.

**Others present:**

City Manager Bill Gruen	City Attorney Mike Jones
City Clerk Bev Quinn	Public Works Director John Pruden
Public Works Asst. Dir. Annette Brushwitz	Economic Dev. Dir. Jeanne Gustafson
Finance Director Keli Barrow	Chief Sean Reynolds
Deputy Chief Susan Miller	Code Enforcement Officer Dave Lusch
Shelli McIntosh, inclusive Playground Committee	Mark Decker, Former Historical Commission Chair
Mary, Days Inn	Members of the Media and Public

**II. PRAYER AND PLEDGE OF ALLEGIANCE**

Opening prayer was given by Councilwoman Sue Morgan, followed by the Pledge of Allegiance to the Flag.

**III. PRESENTATION OF PETITIONS/PUBLIC COMMENTS**

**Rose Bowl Parade** - Former Historical Commission Chairman Mark Decker addressed Council regarding his application to have a float in the Rose Bowl Parade. Unfortunately, Salem did not make

the final cut for civic organizations. Mr. Decker indicated he had just advised the Historical Commission of the decision at their 5:00 pm meeting, as well as the American Legion. Decker expressed appreciation to the Tourism Board for their commitment to pay the \$5,500 application fee. Decker added that those funds can now be used for other projects. Mayor Barbee responded that he appreciated Mr. Decker putting the City's best foot forward on the Rose Bowl Parade project, and for all he has done. Councilwoman Morgan added her appreciation for all of Mr. Decker's work on this and other projects. Mr. Decker responded, "anything for Salem".

**Solicitors' Permits** - Todd Kloppedal, independent insurance agent, indicated he represents 30 different agencies who offer services to seniors. Mr. Kloppedal added that the City has an ordinance in place that requires sales representatives who are going door-to-door to have a solicitor's permit. Mr. Kloppedal indicated the best way to get customers is face-to-face. City Manager Gruen recommended advertising in the newspaper or on the radio. Mr. Kloppedal indicated you can't gain trust that way. Mr. Kloppedal indicated there is a State law in place that excludes insurance salesmen from having to obtain a separate permit, and Salem is the only community in the area that doesn't recognize that. Kloppedal added that Supreme Court rulings in similar instances never award the win to the municipalities.

City Attorney Mike Jones indicated the ordinance is defensible, and the City can require a solicitor's permit, which Mr. Kloppedal is eligible to obtain. Mr. Kloppedal inserted that we should not be able to charge a fee. City Attorney Jones responded that he and Mr. Kloppedal will have to "agree to disagree".

Mayor Barbee thanked Mr. Kloppedal for his input, and added that this, and indicated Council will take this under review.

#### **IV. MAYOR'S REPORT AND PRESENTATIONS**

Mayor Barbee indicated the Marion County Fair is coming up in a couple of weeks and that there have been several baseball tournaments held in the area. Mayor Barbee thanked those organizations for bringing a number of visitors to Salem.

#### **V. CITY COUNCIL ACTION**

##### **1. Consent Agenda**

- a. Approval of Minutes – July 2, 2018

***Motion was made by Councilwoman Morgan and seconded by Councilman Koehler that the Consent Agenda be approved as presented. Roll call vote: AYES: Councilman Morton, Councilwoman Morgan, Councilman Koehler, Mayor Barbee. NAYS: None. Councilman Farley abstained.***

##### **2. Approval of Mayoral Appointments to Zoning Board**

Mayor Barbee indicated he would like to appoint Ron Mulvaney and Don Lingafelter to serve on open positions with the Zoning Board of Appeals, as he feels both individuals will be assets to the Board. ***Motion was made by Councilman Farley and seconded by Councilwoman Morgan to approve the appointment of Ron Mulvaney and Don Lingafelter to the Zoning Board of Appeals. Roll call vote: AYES: Councilman Morton, Councilwoman Morgan, Councilman Koehler, Councilman Farley, Mayor Barbee. NAYS: None. Motion carried.***

##### **3. Approval of Location for Inclusive Playground within Bryan Park**

Shelli McIntosh of the Inclusive Playground Committee indicated they would like to see the location of the Inclusive Playground moved closer to Shelter #4. In addition, they hope to raise enough funds to rebuild Shelter #4 as part of the project. Mayor Barbee asked if there will be adequate space in the proposed area. Public Works Director John Pruden indicated there will be enough space, and he likes the idea of getting Shelter #4 rebuilt. Ms. McIntosh indicated they are looking at a grant that would rebuild Shelter #4 and make it handicapped accessible. Councilman Farley asked if there will be adequate space for ADA accessible parking. Ms. McIntosh indicated there will be space for 2-3 concrete spaces, in addition to additional rocked parking.

Councilwoman Morgan asked what the sidewalk the City installed in Bryan Park is going to be used for, if not the Inclusive Park. PW Director Pruden indicated it currently leads from Shelter #7 to playground hill, and it is being used. Mr. Gruen added that the Elks organization is assisting the City on providing additional features to be placed along the sidewalk that will also be inclusive.

***Motion was made by Councilman Koehler and seconded by Councilman Farley to approve the location near Shelter #4, as proposed, for development of the Inclusive Playground. Roll call***

**vote: AYES: Councilwoman Morgan, Councilman Koehler, Councilman Farley< Councilman Morton, Mayor Barbee. NAYS: None. Motion carried.**

Ms. McIntosh indicated they currently have \$26,000 in the bank towards this project, the committee has approved drawings of equipment, and they will be meeting with John Pruden and Annette Brushwitz in the near future.

**4. Approval of Ordinance Creating Additional Class G Liquor License for Establishment at Days Inn**

Mayor Barbee indicated he has received an application from one of the owners of Days Inn for a Class G liquor license to have video gaming in the former Legends Lounge area.

Councilman Farley asked if they will be offering food, entertainment, anything different that just video gaming. Farley added that he's not sure the City needs another gaming site. Mary Wilkins, Days Inn Manager, indicated they will also be providing pool tables. Councilman Koehler indicated he is not a fan of video gaming and there is definitely not a shortage of gaming facilities in Salem. Mayor Barbee added that he'd like to have a better idea of what they will have to offer, other than gaming, before action is taken on this and tabled the request.

**5. First Reading – Amendments to Chapter 10 Regarding Nuisances**

City Manager Gruen advised Council that he knows he provided a lot a material, and he is not expecting action during this meeting. Gruen added that Chapter 10 deals with nuisances. Currently, the fines and penalties are not very consistent. It is his hope that City Council will review the revisions he has provided and streamline Chapter 10 to eliminate some outdated provisions. City Attorney Mike Jones indicated he had recommended to the City Manager a fine range of \$75.00 to \$750.00. On a first offense with a \$75.00 fine, court costs will be another \$75.00, for a total of \$150.00. Jones added that the officers always have the option to issue a written or verbal warning. If the offender ignores the warning, they can move on to a fine. Offenders then have an option to pay the fine at the City Attorney's office to avoid the additional court costs. Jones added that ordinance violations fall to the bottom of the priority list at court, and he has from 1:00 pm to 3:00 - #:30 pm on the first Monday of the month to present his ordinance cases. Councilwoman Morgan asked how long someone has to pay a fine before it goes to court. Mr. Jones indicated it varies, but most tickets have a 30-day pay or appear notice. Additionally, if they go to court and *can't* pay the fine and fees, the Court will put them on a payment plan.

Councilman Farley suggested adopting a policy by ordinance that requires that we always give offenders 30 days to pay before it goes to court. Mr. Jones indicated that is the policy, and suggested he and Councilman Farley discuss this further. Councilwoman Morgan indicated that it may be policy, but it is not in writing. Mayor Barbee indicated he feels we may be better off to allow the attorney discretion when handling ordinance violations. Councilman Farley responded that he would still like to see it in writing.

City Manager Gruen indicated he appreciated Council beginning this discussion, and it will be brought back to a future meeting.

**6. Approval of Rhutasel Engineering Agreement for Downtown Sidewalk and Parking Projects**

City Manager Gruen indicated SCHS is working on a parking lot in front of the school, and IDOT has advised their engineer, Brent Taylor of Rhutasel and Associates, that the City must be okay with us moving the crosswalk to the south and we will need to take action prohibiting parking on N. Broadway between Park and Seneff. Mr. Taylor added that IDOT will not all an entrance from N. Broadway without this action. Mr. Taylor added that the high school will be creating 100 new regular spaces plus five handicapped spaces, and will have compliant crosswalks.

Mayor Barbee indicated this action will need to be an agenda item, and action cannot be taken tonight. City Manager Gruen asked if Council will be willing to hold a special meeting to take action on this. Consensus was they would.

Mr. Taylor indicated the City will be doing the parking lot in the NE quadrant of Walnut and McMackin Streets where the building burned down and the City acquired the property. Mr.

Gruen responded that this is good timing, as the Theatre Expansion is about to start. This parking lot will provide approximately 30 additional parking spaces. Mayor Barbee indicated he is looking to a motion to approve an engineering agreement with Rhutasel and Associates in the amount of \$42,000. City Manager Gruen added that the funds will come from the Downtown TIF and Fund 18, and will be paid for over 5-6 years. Paying over time will still allow funds to be used for Downtown TIF projects.

***Motion was made by Councilwoman Morgan and seconded by Councilman Farley to approve the engineering agreement with Rhutasel and Associates for Sidewalk and Parking project engineering in the amount of \$42,000. Roll call vote: AYES: Councilman Koehler, Councilman Farley, Councilman Morton, Councilwoman Morgan < Mayor Barbee. NAYS: None. Motion carried.***

**7. Approval of Additional Funding for Downtown Theatre Expansion**

City Manager Gruen indicated Rhutasel & Associates has been involved with review of the plans for the Theatre expansion, especially as it relates to structural/foundation issues. Their review has prompted changes to the building design so as to allow the weight/load of the expanded structure to rely more on its structure and less on the existing theatre building. A building permit has been issued for the revised, Rhutasel-suggested plan edits. With the changes comes an additional cost of \$54,805.00. The additional construction costs can be covered as follows:

- \$30,000 from remaining Capital Bill grant awarded by Rep Cavaletto
- \$12,402.50 from a grant match budgeted in Fund 20 for an un-awarded USDA grant intended for public improvement projects.
- \$12,402.50 in additional dollars from Downtown TIF, and/or
- \$7,320 in budgeted Fund 20/Video Gaming dollars are available due to the Salem welcome sign coming in under budget. A plaque should still be purchased for the sign bringing attention to sources of funds for the sign, including union Pacific.

City Manager Gruen indicated that he is recommending approval. ***Motion was made by Councilman Koehler and seconded by Councilman Farley that the additional expense of \$54,805 be approved as presented. Roll call vote: AYES: Councilman Farley, Councilwoman Morgan, Councilman Koehler, Mayor Barbee. NAYS: Councilman Morton. Motion carried.***

**8. Discussion on Development Concepts at Former Brown Shoe and Armory Sites**

Councilman Koehler indicated he has had several people ask him about building homes on these vacant properties. Mayor Barbee responded that the Armory property has been subdivided for residential sites, and we did receive one offer, which was accepted, but has since been withdrawn. The potential buyer indicated property taxes on a new home like she intended to build would be more than she wanted to spend. Mr. Gruen added that his research has determined that the State sets rules on how properties are assessed, not the local assessor, and a new home similar to an existing home of similar design would have higher taxes than the older home.

Councilman Koehler indicated he would like to see a playground on the former Brown Shoe property, as there are no playgrounds in that area. Councilman Farley responded that the City is currently looking for private investors to come forward, rather than developing the properties ourselves. Mr. Gruen added that State law requires us to declare the parcels as surplus, but since we did not receive bids on the properties, he feels we can continue to accept sealed bids on the properties. Councilman Koehler suggested “for sale” signs be posted on both properties.

**9. Approval of Purchase of Valves for WWTP**

City Manager Gruen indicated the FY19 budget includes \$22,000 for a project involving replacement of two valves at the two “contact tanks” at the WWTP. These two tanks hold water for contact with chlorine before being released beyond the Plant. The bid received from Dezurik, Inc. was \$19,916.00. Public Works Director John Pruden indicated this was a single-service bid, because the items from Dezurik will match what has already been in place for 30 years. The WWTP employees will do the installation. ***Motion was made by Councilwoman Morgan and seconded by Councilman Koehler to approve the purchase of two valves from Dezurik, Inc for \$19,916.00. Roll call vote: AYES: Councilwoman Morgan, Councilman Koehler, Councilman Morton, Councilman Farley, Mayor Barbee. NAYS: None. Motion carried.***

**10. Approval of Surplusing Bicycles Held by Salem Police Department**

Chief Reynolds indicated they have 46 bicycles in a 10' x 15' shed, 19 in the north bay, and 9 in the west bay. Most of them are men's bikes, with 40% of them being in good to fair condition. Up to 55% of them may be repairable, with 5% being junk. Reynolds added that they are just over capacity on bicycles. Mayor Barbee asked when the auction will take place, if these items are declared surplus. Chief Reynolds indicated it would be more of a "give-away", and he would want to be able to give 30 days notice before they are distributed. **Motion was made by Mr. Koehler and seconded by Councilwoman Morgan to approve declaring the 84 plus/minus bicycles in the Police Department's possession as surplus. Roll call vote: AYES: Councilman Koehler, Councilman Farley, Councilman Morton, Councilwoman Morgan, Mayor Barbee. NAYS: None. Motion carried.**

**11. Bills Payable**

Bills for June 18 – July 13, 2018 were presented for approval. Following discussion, **motion was made by Councilman Farley and seconded by Councilman Koehler to approve the bills payable as presented. Roll call vote: AYES: Councilman Morton, Councilwoman Morgan, Councilman Koehler, Councilman Farley, Mayor Barbee. NAYS: None. Motion carried.**

**VI. CITY MANAGER'S REPORT**

City Manager Gruen reported that the draft Enterprise Zone boundary map is posted on the City's website under News and Announcements. Gruen added that he and ED Director Jeanne Gustafson recently met with Brian Gansauer and Larry Clark regarding the first informational meeting, and it has been scheduled for Wednesday, August 1<sup>st</sup> at 4:00 pm at the MCSB Annex.

**VII. CITY ATTORNEY REPORT – None.**

**VIII. FINANCE DIRECTOR REPORT**

Finance Director Keli Barrow reported that the City has partnered with Xpress Bill Pay, and customers are now able to pay online, direct pay, and go paperless. Additionally, they can log on and see their current bill and past bills. Mayor Barbee commended City staff for their assistance on making this happen.

**IX. CITY COUNCIL REPORT**

**Councilwoman Morgan** indicated she had three items she wanted to mention:

- 1) The floor in the City Hall lobby will soon be fixed;
- 2) The new Salem sign is beautiful, and she is very proud of it; and
- 3) Selmaville School is looking better already, and she commended Mr. Grubaugh for his efforts.

**Councilman Farley** indicated he echoes Councilwoman Morgan's comments, and noted that he received an email noting that the Selmaville site is looking much better. Councilman Farley mentioned that he has noticed some cameras located at intersections at Walmart, Selmaville Rd., and Boone and Airport. Deputy Chief Miller indicated they are the sensors for the fire and emergency vehicles.

**Councilman Koehler** indicated the former Selmaville School site is looking great, the Salem sign looks great, and Annette is working on getting additional chairs at the pool, which is great. Councilman Koehler indicated the Animal Control facility, however, is moldy, drains aren't working, the floors are rough, there is poor ventilation, and every dog has to be placed on a leash and walked. Koehler added that this Saturday, Evergreen Christian Church will be holding a "Red Shirt Day", and they will be walking dogs at the Animal Control facility, doing roofing, painting and yard work for residents, as well as other volunteer activities. Councilman Koehler added that he was embarrassed at the condition of the Animal Control facility, and feels it needs organization and improvements.

**X. EXECUTIVE SESSION**

**1. 5 ILCS 120/2 (c)(21) – Executive Session Minutes**

**Motion was made by Councilman Farley and seconded by Councilwoman Morgan to enter into executive session at 7:40 pm for the purpose of reviewing executive session minutes. Roll call vote: AYES: Councilman Morton, Councilwoman Morgan, Councilman Koehler, Councilman Farley, Mayor Barbee. NAYS: None. Motion carried.**

**Return to open session at 7:42 pm.**

**XI. CITY COUNCIL ACTION**

**12. Approval of Executive Session Minutes from January 15, February 20, March 5 and May 7. Motion was made by Councilman Farley and seconded by Councilwoman Morgan to approve the executive session minutes of January 123, February 20, March 5 and May 7 as written, and to keep them closed.**

13. **Approval of Action Related to Previously Closed Executive Session Minutes**  
*Motion was made by Councilman Koehler and seconded by Councilwoman Morgan to approve Resolution 2018-04 Semi-Annual Review of Executive Session minutes. Roll call vote: AYES: Councilman Koehler, Councilman Farley, Councilman Morton, Councilwoman Morgan, Mayor Barbee. NAYS: None. Motion carried.*

XII. **ADJOURNMENT**

*As there was no further business to discuss, motion was made by Councilman Morton and seconded by Councilwoman Morgan to adjourn the meeting at 7:44 p.m. Roll call vote: AYES: Councilman Morton, Councilwoman Morgan, Councilman Koehler, Councilman Farley, Mayor Barbee. NAYS: None. Motion carried.*

Bev Quinn, CMC  
City Clerk

Minutes approved: \_\_\_\_\_