

**AGENDA  
CITY OF SAEM  
6:00 PM REGULAR CITY COUNCIL MEETING  
December 2, 2019**

- 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. City Council Minutes – 11/18/2019
  - 2. Mission Salem Presentation
  - 3. Request for Approval – Electric Contract for City Facilities - AGE
  - 4. Request for Approval – Ordinance Limiting Public Comments at Council Meetings
  - 5. Request for Approval – Bids on Upcoming Sewer Improvements to Illinois St. and Town Creek Area
  - 6. Discussion on Opting In or Out of Marijuana Dispensary Sales, Zoning and Sales Tax
- 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)(3) – Discussion Regarding Appointment to Fill Open City Council Position
- XI. Adjournment**

Rex A. Barbee, City Manager

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**MINUTES  
CITY OF SALEM REGULAR CITY COUNCIL MEETING  
December 2, 2019**

**I. CALL TO ORDER**

The regular December 2, 2019 meeting of the City Council was convened at 6:00 pm, and called to order by Mayor Sue Morgan.

**Council members present:**

Councilman Jim Koehler  
Councilman Nic Farley  
Councilman Craig Morton  
Mayor Sue Morgan

**Council members absent:** None.

**Others present:**

City Manager Rex Barbee	City Clerk Bev Quinn
City Attorney Mike Jones	Public Works Director John Pruden
Economic Dev. Dir Jeanne Gustafson	Asst. Public Works Director Annette Brushwitz
Deputy Chief Susan Miller	Members of the Media and Public

**II. PRAYER AND PLEDGE OF ALLEGIANCE**

Opening prayer was offered by Councilman Koehler followed by the Pledge of Allegiance.

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

**Robert McGaughey, 519 W. Allmon** addressed Council regarding a collapsed storm drain between Allmon St. and Warmouth St. Mr. McGaughey indicated some time back, a large hold had formed in the street, and it took three trucks of rock to fill it. McGaughey indicated he was told there were no funds in the budget to make this repair, but it is a danger to the community. McGaughey added that the storm sewer runs through his yard and beneath his garage, and he would like to have this

repaired before he sells his home. City Manager Barbee indicated he and Public Works Director Pruden would come by and look at it.

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

Mayor Morgan indicated she attended an event at the Pentecost Church honoring its pastor for 10 years of service; she and Economic Development Director Gustafson decorated several storefront windows downtown; and she attended the SCAC fundraiser, which was a lot of fun.

Mayor Morgan presented a proclamation declaring December 7<sup>th</sup> at "No Child Will Sleep On the Floor In Our Town" Day, and commended the volunteers for their work on this community project. Representing the group were Megan Branch, Stefanie Rakers and Annette Brushwitz.

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

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

a. City Council Minutes – 11/18/2019

***Motion was made by Councilman Farley and seconded by Councilman Koehler to approve the minutes of 11/18/2019 as presented. Roll call vote: AYES: Councilman Farley, Councilman Morton, Councilman Koehler, Mayor Morgan. NAYS: None. Motion carried.***

##### **2. Mission Salem Presentation**

Mission Salem representatives Angie Court right and Brian Gansour addressed Council and presented the following information:

### **Mission Salem 2019 Overview**

#### **23 Projects Completed or Approved**

- 8 Wheelchair Ramps
- 5 Roof Repairs
- 3 Door/Window
- 1 Foundation Repair
- 1 Painting
- 5 Misc.

#### **Other Projects/Community Service:**

- SCHS Scholarships = \$2,000.00
- Applefest Parking Duty
- Golf Classic Fundraiser
- Sleep in Heavenly Peace

#### **Quick Facts:**

We continue to operate as a program under the Greater Salem Area Foundation. However, we have formed our own leadership committee which meets monthly and reports back to the Foundation Board.

We have 10 local churches participating, plus several volunteers not affiliated with a local church.

We have built relationships with and began partnering with other agencies and programs including USDA Rural Development, BCMW, Modern Woodmen, Keep Salem Beautiful, CVMA Chapter 245, the Odd Fellows and many more.

Many Salem businesses have stepped up to support our efforts through discounts, donations and/or monthly financial support including Rural King, Salem Building Materials, Livesay Electric, Americana, ESI, Booher Tin Shop and several more!

#### **Goals and Needs for 2020:**

- Financial Support
- Storage
- Tools and Trailer
- Add PR Specialist to our leadership team
- Add Resource Coordinator to our leadership team

Both Ms. Courtright and Mr. Gansour thanked Council for their financial support of the organization.

Councilman Koehler thanked Mission Salem for all they have done, City Manager Barbee added that Mission Salem has been a nice addition to the “Youth Invasion” type projects many of the local churches do. Councilman Koehler added that Ms. Courtright serves in an unpaid position, and puts a lot of work into the projects. Councilman Farley added that Mission Salem is truly making a difference in our community. City Manager Barbee indicated the City will begin working on the FY21 budget soon, and hopes to budget a similar amount to support Mission Salem.

3. Request for Approval – Electric Contract for City Facilities – AGE

Rob Weildt of Affordable Gas & Electric (AGE) indicated the former City Manager had only entered into a one-year contract for electricity for City facilities and street lighting , since he was leaving. Mr. Weildt indicated the lowest bidder on the City’s electricity was Homefield Energy, and they have provided 12-month, 24-month, 36 month and 48-month proposals. Projected savings are shown below:

Customer: CITY OF SALEM  
Fixed

Affordable Gas + Electric

CITY'S COMMERCIAL ACCOUNTS

Term	Offer Start Month	Offer End Month	Annual Usage (kWh)	Current Rate (\$/kWh)	Current Annual Cost	Lowest Bidding Supplier Rate	Projected Annual Costs	Projected Annual Savings	Total Savings Over Term
12 Months	Mar. '20	Mar. '21	2,422,749	\$ 0.04756	\$ 115,225.94	\$ 0.04530	\$ 109,750.53	\$ 5,475.41	\$ 5,475.41
24 Months	Mar. '20	Mar. '22	2,422,749	\$ 0.04756	\$ 115,225.94	\$ 0.04587	\$ 111,131.50	\$ 4,094.45	\$ 8,188.89
36 Months	Mar. '20	Mar. '23	2,422,749	\$ 0.04756	\$ 115,225.94	\$ 0.04659	\$ 112,875.88	\$ 2,350.07	\$ 7,050.20
48 Months	Mar. '20	Mar. '24	2,422,749	\$ 0.04756	\$ 115,225.94	\$ 0.04725	\$ 114,474.89	\$ 751.05	\$ 3,004.21

CITY'S LIGHTING ACCOUNTS

Term	Offer Start Month	Offer End Month	Annual Usage (kWh)	Current Rate (\$/kWh)	Current Annual Cost	Lowest Bidding Supplier Rate	Projected Annual Costs	Projected Annual Savings	Total Savings Over Term
12 Months	Mar. '20	Mar. '21	645,128	\$ 0.03779	\$ 24,379.39	\$ 0.03378	\$ 21,792.42	\$ 2,586.96	\$ 2,586.96
24 Months	Mar. '20	Mar. '22	645,128	\$ 0.03779	\$ 24,379.39	\$ 0.03378	\$ 21,792.42	\$ 2,586.96	\$ 5,173.93
36 Months	Mar. '20	Mar. '23	645,128	\$ 0.03779	\$ 24,379.39	\$ 0.03385	\$ 21,837.58	\$ 2,541.80	\$ 7,625.41
48 Months	Mar. '20	Mar. '24	645,128	\$ 0.03779	\$ 24,379.39	\$ 0.03400	\$ 21,934.35	\$ 2,445.04	\$ 9,780.14

**Motion was made by Councilman Farley and seconded by Councilman Morton to enter into a three-year contract with Homefield Energy for electricity for city facilities and street lighting. Roll call vote: AYES: Councilman Morton, Councilman Koehler, Councilman Farley, Mayor Morgan. NAYS: None. Motion carried.** Mr. Weildt added that Bob Kelsheimer did an energy audit of City Hall, and a similar audit can be done for the other City facilities at no cost, through AGE.

4. Request for Approval – Ordinance Limiting Public Comments at Council Meetings

City Manager Barbee indicated the proposed ordinance restricts public comment to five minutes per person and no more than 45 minutes per meeting. Barbee added that this is being proposed to prevent any abuse of the public comment period. Some Incidents in the past have given evidence that such a policy is important to have in place to avoid undue burdens on any City Council meeting

Bob McGaughey asked if the time limit can be adjusted based on the topic. Mr. Barbee responded that it can. Councilman Farley indicated he is always concerned with limiting speech, but this ordinance would be a tool that could be used, when necessary. **Motion was made by Councilman Koehler and seconded by Councilman Farley to approve Ordinance 2019-18 limiting Public Comments to five minutes per speaker and 45 minutes per meeting. Roll call vote: AYES: Councilman Koehler, Councilman Farley, Councilman Morton, Mayor Morton. NAYS: None. Motion carried.**

5. Request for Approval – Bids on Upcoming Sewer Bids on Sewer Improvements to Illinois St. and Town Creek Area

City Manager Barbee indicated Public Works solicited bids for sanitary sewer work to be performed on a portion of Illinois Street and a continuation along Town Creek from East Clark St. to E. Main Street. Bids were opened November 22<sup>nd</sup>, with several bids received for the project.

Public Works Director John Pruden indicated he combined the two projects for bid, and gave the bidders an expanded time for completion, which resulted in more and lower bids being received. The area has had so much rain, contractors are behind and are hesitant to bid on any project with a quick turnaround. Pruden added that seven bids were received, with the low bid being submitted by JK Trotter and Sons in the amount of \$361,464.12, with completion planned for Spring 2020. Councilman Farley asked if this is a budgeted project. Mr. Pruden responded that it is a budgeted item, is part of the City’s five-year plan, and came in under budget. **Motion was made by Councilman Farley and seconded by Councilman Morton to approve the bid submitted by JK Trotter and Sons in the amount of \$361,464.12 for sanitary sewer projects for Illinois St.**

***and Town Creek from E. Clark St. to E. Main St. Roll call vote: AYES: Councilman Farley, Councilman Morton, Councilman Koehler, Mayor Morgan. NAYS: None. Motion carried.***

**6. Discussion on Opting In or Out of Marijuana Dispensary Sales, Zoning and Sales Tax**

City Manager Barbee indicated the State of Illinois has legalized recreational use of cannabis for adults beginning January 1, 2020. The City has the choice of opting in or out of allowing any dispensary licenses within the City limits. If allowed, the City will need to address some zoning requirements for State Licensed craft growers, cultivation centers, dispensing organizations, infusers, processing and transporting organizations as those businesses develop and possibly seek to be part of our community. If approved, the City also has the opportunity to impose a Municipal Cannabis Retailers Occupation Tax of up to 3% that can be implemented in .25% increments. Mr. Barbee added that he has placed this on the agenda for discussion and to determine what direction Council would like to go.

Councilman Farley asked if this has been discussed at the Planning Commission level. City Clerk Quinn, who is also the Zoning Administrator, indicated she has not taken it to the Planning Commission because she would like to know what direction Council would like to see taken. Proposed changes can then be presented to the Planning Commission and a public hearing scheduled.

Councilman Farley indicated he would like to see the City's current ordinances pertaining to marijuana violations updated to reflect the State laws. Councilman Farley added that prohibition doesn't work, and the City might as well opt-in and collect the taxes. Chief Reynolds indicated first of all, he wants to say that he has never been in favor of legalizing Marijuana, but if the City opts out, there will be no benefits to the community and Salem Police Department will still have to enforce the laws. City Manager Barbee concurred, and added that the tax money collected must be earmarked for enforcement.

Councilman Farley indicated that all communities will have adult cannabis use, but the difference will be whether we collect taxes on it, or not. Councilman Koehler indicated he is not a supporter of cannabis use, but he does not feel having a dispensary will increase usage. Councilman Farley added that he feels the City lost an opportunity for jobs when medical marijuana became legal.

**Pastor Andy Dewitt** of the First Baptist Church indicated he is speaking on his own behalf, not that of his church, or Mission Salem, but he strongly recommends the City opt-out of permitting marijuana dispensaries. Pastor Dewitt added that the City might lose money on tax dollars, but what comes with marijuana use is much more costly. Users will not be able to pay their bills, feed their children, etc. Dewitt added that "just because it's legal, doesn't make it right". Pastor Dewitt indicated there is a 126 page report about what has happened in Colorado since they legalized adult use of marijuana in 2013. Dewitt added that marijuana used to be called "the gateway drug", and he feels it will be detrimental to the community.

**Associate Pastor of the First Baptist Church and Mission Salem President John Bell** indicated that when he moved to Salem, he was told we had "small town values". Legalizing the sale of marijuana in town does not reflect "small town values". Pastor Bell asked where the City will draw the line. Bell added that he is originally from Tennessee where "Walking Tall" was based. Bell added that Salem has an opportunity to "Walk Tall", and Council is "breaking his heart."

**Robert McGaughey, Jr.** indicated he suffers from rheumatoid arthritis, and he would prefer not to have to drive so far to obtain medical marijuana. McGaughey added that medical marijuana use is much less harmful to his body than some of the harsher medicines he was taking. Mr. McGaughey added that he has made his children aware of what marijuana is, and that it is just another drug like Tylenol or Ibuprophen. McGaughey added that if you walk into a medical marijuana dispensary, you will find grandmothers and business people making their purchases.

City Manager Barbee indicated this would be brought back for further discussion, and he would ask the City Attorney to prepare updates to our current ordinances to bring them into compliance.

**VI. CITY MANAGER REPORT**

City Manager Barbee indicated it was refreshing having a few days out of the office, and he enjoyed the SCAC fundraiser.

**VII. CITY ATTORNEY REPORT- No report.**

**VIII. FINANCE DIRECTOR REPORT**

Dir. Barrow indicated she almost has November financial reports closed and is almost done with FY21 revenue projections.

**IX. CITY COUNCIL REPORT**

Mayor Morgan mentioned that this is Economic Development Director Jeanne Gustafson's last City Council meeting, and she has been a joy to work with. Morgan added that you can just look anywhere in Salem, and see Jeanne's hand on it, and working with her has been an honor. City Manager Barbee concurred that Jeanne has been a pleasure to work with. Councilman Farley indicated Salem has been lucky to have her. Councilman Koehler said Jeanne has been involved in a log of community projects, and is always a pleasure to work with.

**X. EXECUTIVE SESSION**

**1. 5 ILCS 120/2(c)(3) – Discussion Regarding Appointment to Fill Open City Council Position**  
***Motion was made by Councilman Farley and seconded by Councilman Koehler at 7:00 pm to enter into executive session for the purpose of discussion regarding an appointment to fill the open City Council position. Roll call vote: AYES: Councilman Morton, Councilman Koehler, Councilman Farley, Mayor Morgan. NAYS: None. Motion carried.***

*Return to open session at 7:22 pm.*

**XII. ADJOURNMENT**

As there was no further business to discuss, ***motion was made by Councilman Farley and seconded by Councilman Morton to adjourn the meeting 7:23 pm. Roll call vote: AYES: Councilman Koehler, Councilman Farley, Councilman Morton and Mayor Morgan. NAYS: None. Motion carried.***

*Bev Quinn, CMC*  
*City Clerk*

Approved: \_\_\_\_\_