

CITY OF SALEM
REGULAR CITY COUNCIL MEETING
December 18, 2023 – 6:00 PM

- 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
 - City Council Minutes – request approval for 12-04-2023 meeting minutes.
 - 2. Request for approval to purchase a replacement blower for the Grit Removal Chamber at the Waste Water Treatment Plant.
 - 3. Approval for Mayor Farley to sign Memorandum of Understanding documents for IDOT plans to overlay portions of IL Rt 37 in Marion County, including Salem.
 - 4. Revised 2023 Estimate for MFT Local General Maintenance Estimation and Resolution to approve the changes.
 - 5. Approval for an amendment to the TIF 3 (Downtown TIF) boundaries to exclude a property on East Main St.
 - 6. Review and approval of the Accounts Payable list for the City for the period of November 20 through December 15, 2023.
- VI. City Manager Report with Department Head Updates
- VII. City Attorney Report
- VIII. City Council Members Report
- IX. Executive Session – potential sale of real estate
- X. 5 ILCS 120/2 (C) (6) Sale of Real Estate
- XI. Return to Open Session
- IX. Motion to Adjourn

Rex A. Barbee
City Manager

RAB

Quote of the Day –

“Twenty years from now you’ll be more disappointed by the things you did not do than the ones you did.” – Mark Twain

MINUTES
REGULAR CITY COUNCIL MEETING
December 18, 2023 – 6:00 pm

I. Call to Order

The regular December 18, 2023 meeting of the Salem City Council was convened in the Council Chambers of Salem City Hall. The meeting was called to order by Mayor Nicolas Farley at 6:00 PM.

Council members present:

Councilman Royce Bringwald
Councilwoman Tracy Crouch
Councilman Jim Koehler
Councilman Craig Morton
Mayor Nicolas Farley

Council members absent:

None

Others present:

City Manager Rex Barbee
City Clerk Tabitha Meador
City Attorney Mike Jones
Finance Director Keli Roth
Code Enforcement Officer Dave Lusch
Members of the Media and Public

Police Chief Kyle Ambuehl
Deputy Police Chief Susan Miller
Economic Development Director Leah Dellicarpini
Public Works Director Annette Sola

II. Prayer and Pledge of Allegiance

Councilman Koehler offered the opening prayer, followed by the Pledge of Allegiance.

III. Presentation of Petitions/Public Comments

- Mr. Louis Daniels, who resides at 327 E. Bryan Street, read a prepared statement that is included in these minutes as *12/18/2023 Attachment 1*
 - Mr. Gerald Broom, who resides at 301 Woodland Dr, indicated that he believes Mr. Daniels' statements to be true, as he lives in the neighborhood, and has seen the nuisance behavior exhibited. He further indicated that he did not want "blood on anybody's hands."
 - Councilman Bringwald indicated that he considers the behavior unacceptable and elder abuse. He suggests a nuisance ordinance.
 - City Attorney Jones indicated that this is a sad situation of neighborhood behavior, but elder abuse must be investigated by a State agency, and the local agency has determined this does not qualify. Accusations of criminal damage to property must be certain of who did it.

IV. Mayor's Report and Presentations

- thanked City staff and departments for the kind gestures for the recent death of his grandmother;
- thanked all who worked on and attended the City Christmas party;
- indicated he would like to recognize a City staff member with a Certificate of Appreciation each month; nominations can be made by anyone and submitted to the Mayor. Mrs. Cindy Eller received the December 2023 recognition.
- welcomed back Deputy Chief Susan Miller;
- wished everyone a Merry Christmas.

V. City Council Action

1. Consent Agenda

a. Approval of Minutes – December 4, 2023

Motion was made by Councilman Koehler and seconded by Councilwoman Crouch to approve the minutes of December 4, 2023 meeting, as presented. Roll call vote: AYES: Councilwoman Crouch, Councilman Bringwald, Councilman Koehler, Councilman Morton, Mayor Farley. NAYS: None. Motion carried.

2. Request for approval to purchase a replacement blower for the Grit Removal Chamber at the Waste Water Treatment Plant.

Mayor Farley indicated this is a request to approve the purchase of a replacement blower for the Grit Removal Chamber at the Waste Water Treatment Plant. The Grit Removal Chamber is a necessary part of the process at the plant and the existing equipment is no longer functioning properly. Public Works has budgeted \$18,000 for the replacement. We have two bids for the replacement blower and recommend accepting the quote from Municipal Equipment in the amount of \$18,351.50 plus freight costs. *Motion made by Councilwoman Crouch and seconded by Councilman Bringwald to approve the purchase of a replacement blower for the Grit Removal Chamber at the Waste Water Treatment Plant from Municipal Equipment in the amount of \$18,351.50 plus freight costs. Roll call vote: AYES: Councilman Morton, Councilwoman Crouch, Councilman Bringwald, Councilman Koehler, Mayor Farley. NAYS: None. Motion carried.*

3. Approval for Mayor Farley to sign Memorandum of Understanding documents for IDOT plans to overlay portions of IL Rt 37 in Marion County, including Salem.

Mayor Farley indicated the Illinois Department of Transportation has plans to overlay Illinois Route 37 from the north side of Salem to Madison Street, and is requesting the Mayor sign the Letter of Understanding to complete the necessary documents for the project. *Motion made by Councilman Koehler and seconded by Councilwoman Crouch to approve Mayor Farley to sign LU-824-011 for the overlay of IL Rt 37 in Marion County, including Salem. Roll call vote: AYES: Councilman Koehler, Councilman Morton, Councilwoman Crouch, Councilman Bringwald, Mayor Farley. NAYS: None. Motion carried.*

4. Revised 2023 Estimate for MFT Local General Maintenance Estimation and Resolution to approve the changes.

Mayor Farley indicated Gonzalez Engineering LLC has provided a revision to the 2023 Motor Fuel Tax Local Public Agency General Maintenance estimate. This revision more accurately shows the cost of the oil and chip program during calendar year 2023.

Motion was made by Councilman Bringwald and seconded by Councilman Koehler to approve Resolution 2023-11, the revised 2023 Estimate for MFT Local General Maintenance Estimation.

Roll call vote: AYES: Councilman Bringwald, Councilman Koehler, Councilman Morton, Councilwoman Crouch, Mayor Farley. NAYS: None. Motion carried.

5. **Approval of an amendment to the boundaries of the Downtown TIF (TIF 3) to exclude the property located at 321 East Main Street from the TIF district.**

Mayor Farley indicated this removes 321 East Main Street (Chico's Restaurant) due to it being owned by the current TIF Administrator, Economic Development Director Dellicarpini. **Motion by Councilman Koehler and seconded by Councilman Bringwald to approve Ordinance 2023-23, amending the Salem Downtown TIF (TIF 3) District by removing 321 East Main Street. Roll call vote: AYES: Councilman Koehler, Councilman Bringwald, Mayor Farley. NAYS: None. ABSTENTIONS: Councilman Morton, Councilwoman Crouch. Motion carried.**

6. **Review and approval of Accounts Payable lists from November 20 – December 15, 2023.**

Following review, **motion by Councilwoman Crouch and seconded by Councilman Morton to approve the Accounts Payable lists from November 20 – December 15, 2023. Roll call vote: AYES: Councilman Morton, Councilwoman Crouch, Councilman Bringwald, Councilman Koehler, Mayor Farley. NAYS: None. Motion carried.**

VI. City Manager and Department Head Reports

City Clerk Meador –

- indicated annual tobacco licenses expire at the end of the year, and all but three current license holders have submitted renewal applications;
- indicated City Hall will open at 9:30 AM on Wednesday, December 20, 2023 due to staff participating in a mandatory training session;
- indicated the 2024 Council and Commission meeting dates have been posted.

Police Chief Ambuehl –

- indicated Enterprise will be opening the orders for the Ford Explorers;
- welcomed Deputy Chief Miller back to duty.

Finance Director Roth – No report.

Public Works Director Sola – No report.

Economic Development Director Dellicarpini – No report.

City Manager Barbee -

- indicated downtown businesses have painted window for the holiday spirit;
- indicated the Sunrise Sanitation contract is being finalized;
- indicated City Hall will be closed Monday, December 25 and Tuesday, December 26 for the holiday.

VII. City Attorney Report – No report.

VIII. City Council Member Reports –

Councilman Koehler –

- indicated the window décor and lights reflects the Christmas spirit.

IX. Executive Session – potential sale of real estate: 5 ILCS 120/2 (C) (6) Sale of Real Estate

Motion made at 6:42 PM by Councilman Bringwald and seconded by Councilwoman Crouch to enter into Executive Session after a five-minute break to discuss the potential sale of real estate. Roll call vote: AYES: Councilwoman Crouch, Councilman Bringwald, Councilman Koehler, Councilman Morton, Mayor Farley. NAYS: None. Motion carried.

X. Return to Open Session

Return to open session at 6:53 PM.

XI. Potential sale of real estate:

Motion made by Councilman Koehler and seconded by Councilwoman Crouch to accept \$5000/acre plus survey costs for the 13-acres listed in the Salem Industrial Park, with a TIF development agreement to follow, reimbursing up to \$65,000 of TIF eligible expenses. Roll call vote: AYES: Councilman Bringwald, Councilman Koehler, Councilman Morton, Councilwoman Crouch, Mayor Farley. NAYS: None. Motion carried.

XII. Motion to Adjourn

Motion was made by Councilman Morton and seconded by Councilwoman Crouch to adjourn the meeting at 6:54 PM. Roll call vote: AYES: Councilman Koehler, Councilman Morton, Councilwoman Crouch, Councilman Bringwald, Mayor Farley. NAYS: None. Motion carried.

Tabitha Meador
City Clerk

Minutes approved: _____

CITY OF SALEM CITY COUNCIL MEETING, December 18, 2023, 6:00PM

MAYOR FARLEY, CITY COUNCIL, OTHERS

I AM LOUIS DANIELS. MY WIFE AND I LIVE AT 327 E, BRYAN ST.

I AM HERE AS ADVOCATE FOR THREE FACTIONS:

- #1. FIRST AND FORMOST MYSELF, MY WIFE, AND OUR PROPERTY.
- #2. SECONDLY OUR NEIGHBORHOOD.
- #3. THIRDLY OUR POLICE DEPARTMENT.

BE IT KNOWN THAT WHATEVER HAS BEEN DONE TO US OR TO OUR PROPERTY OVER THE YEARS BY THE RESIDENTS OR THEIR ACQUAINTANCES FROM NEXT DOOR:

- #1. I HAVE NEVER RETALIATED.
- #2. I HAVE NEVER BEEN ARRESTED.
- #3. I HAVE NEVER BEEN ISSUED A CITATION.
- #4. I HAVE NEVER MADE FALSE ACCUSIATIONS TO THE POLICE.
- #5. I HAVE NEVER DENIED GUILT TO THE POLICE ON AN ACCUSIATION MADE AGAINST ME IF I WAS INDEED GUILTY OF THAT ACCUSIATION.

NOW I AM BEING 'WARNED' THAT IF I 'RESPOND' TO A SITUATION OR MAKE 'CONTACT', I COULD BE ISSUED A CITATION OR POSSABLY ARRESTED.

AS THE HEAD OF THE HOUSEHOLD AT 327 E. BRYAN ST., I AM RESPONSIBLE FOR PROTECTING MYSELF, MY FAMILY, AND OUR PROPERTY. BUT, BECAUSE WE ARE RESIDENTS OF THE CITY OF SALEM, I AM REQUIRED 'BY LAW' TO BE TOTALLY DEPENDENT UPON THE CITY OF SALEM POLICE DEPARTMENT FOR THAT PROTECTION. PROTECTION THAT PAST AND RECENT EVENTS SHOW CLEARLY, DOES NOT EXIST.

THIS MEANS THAT I HAVE NO LEGAL MEANS OF PROTECTING MYSELF, MY FAMILY, OR OUR PROPERTY. BECAUSE, THAT WHICH HAS HAPPENED TO US OVER THE YEARS AND RECENTLY IS NOT A CRIMINAL OFFENCE, JUST A PETTY VIOLATION, IT COULD HAPPEN OVER AGAIN AND AGAIN, AND IS STILL HAPPENING. IF YOU GET CAUGHT VIOLATING A CURRENT ORDINANCE, IT IS ONLY A \$75 FINE.

WE AND OUR PROPERTY HAS BEEN UNDER CONTINUAL ATTACK FOR THE PAST THIRTEEN YEARS. WE HAVE BEEN PLEADING FOR HELP FROM THE CITY OF SALEM FOR THE PAST TEN YEARS.

AUGUST 20, 2010, WE WERE ATTACKED WITH SEVERAL RAW EGGS BEING THROWN AT AND HITTING OUR HOUSE, OUR CAR, AND OUR CAR PORT.

IN THE MEANTIME THERE HAVE BEEN MANY ATTACKS.

JUNE 13, 2013, WE GAVE OUR "LETTER OF CONCERNS" TO THE POLICE DEPARTMENT; PLEADING FOR HELP.

IN THE MEANTIME THERE HAVE BEEN MANY ATTACKS.

AUGUST 18, 2022, I MET WITH THE SOON TO BE CHIEF OF POLICE; PLEADING FOR HELP.

JUNE 11, 2023, 12:00 MIDNIGHT, WE WERE ATTACKED BY A HUNK OF CONCRETE THROWN AT AND HITTING OUR HOUSE.

JUNE 29, 2023, 9:00PM WE WERE ATTACKED BY AN OBJECT HITTING OUR HOUSE HARD, FOLLOWED BY INTINSE HARASSMENT.

JULY 3, 2023, 1:00AM, WE WERE ATTACKED BY FIREWORKS BEING SHOT AT AND HITTING OUR HOUSE.

JULY 4, 2023, 1:00AM, AGAIN WE WERE ATTACKED BY FIREWORKS BEING SHOT AT AND HITTING OUR HOUSE.

JULY 4, 2023, 1:20AM, WE WERE ATTACKED BY ROCKS BEING THROWN AT AND HITTING OUR HOUSE, OUR CAR, OUR CAR PORT, AND ME.

THIS IS THE THIRTEEN YEARS THAT WE HAVE BEEN UNDER CONTINUAL ATTACK. COMING FROM OUR NEXT DOOR NEIGHBORS. THIRTEEN YEARS OF PRIVATE NUISANCE!

AUGUST 9, 2023, 10:00AM, I MET WITH SOME OF THE CITY OFFICIALS; PLEADING FOR AN END TO THESE CONTINUAL ATTACKS.

DECEMBER 18, 2023, 6:00PM, SALEM CYTY COUNCIL MEETING, STILL PLEADING BECAUSE THE ATTACKS HAVE NOT CEASED AND WILL NOT CEASE.

I HAVE BEEN TOLD BY THE POLICE, "THE ONLY WAY YOU AND YOUR WIFE CAN BE FREE FROM THE PEOPLE NEXT DOOR IS FOR YOU AND YOUR WIFE TO MOVE TO SOMEWHERE ELSE."

BARBARA AND I ARE RESPECTED MEMBERS OF OUR NEIGHBORHOOD. WE HAVE LIVED HERE FOR 54 YRARS. FOR THE FIRST 30 YEARS OF THOSE 54 YEARS THIS WAS A NICE CLEAN QUIET SAFE NEIGHBORHOOD. THEN THE PROPERTY NEXT DOOR SOLD AND THE NEIGHBORHOOD HAS NOT BEEN THE SAME NEIGHBORHOOD WE BOUGHT INTO.

AILING ELDERLY COUPLE ATTACKED IN THE MIDDLE OF THE NIGHT. THE CITY OF SALEM CAN NOT PROTECT THEM.

The attacks occurred on consecutive nights at exactly one o'clock in the morning of July 3rd and 4th, 2023. The elderly couple's home and property were deliberately and maliciously attacked with fifteen roman candles exploding directly over their house, eleven exploding rockets shot over and at the couple's house, some hitting the house, followed by rocks that were thrown at the elderly couple's car, carport, their house, and at the elderly man, some rocks hitting on all counts. All fireworks and rocks came from the next door neighbor's driveway.

THIS IS NO HOLIDAY CELEBRATION. NOT AT ONE O'CLOCK IN THE MORNING. NOT WITH THE THROWING OF ROCKS. THIS IS DELIBERATE HARASSMENT TO AN ELDERLY COUPLE. THERE WAS NOT A SINGLE PERSON FROM THE NEIGHBOR'S HOUSEHOLD WHO MADE ANY ATTEMPT AT STOPPING THE ATTACKS, EVEN THOUGH IT IS ON THEIR PROPERTY, THEY ARE GUILTY OF NOTHING BECAUSE THEY WERE ONLY SPECTATORS. THEY WERE ALL ENJOYING SOMEONE ELSE TORMENTING A HELPLESS OLD COUPLE IN THE MIDDLE OF THE NIGHT. HOW CAN THIS NOT BE AGAINST THE LAW FOR BOTH THE CULPRIT AND THE HOUSEHOLD? APPARENTLY IT IS LEGAL!

No arrest was made. No charges were filed for harassment or assault to the elderly couple, or for encroachment of their property. Why not? Because the City of Salem has NO LAWS, NO ORDINANCES, NO POLICIES in place to give our LAW ENFORCEMENT the POWER to protect the CITY'S CITIZENS with more than, "There is nothing we can do. Our hands are tied."

THE FOLLOWING STATEMENT IS PART OF THE 'NUISANCE PROPERTY' DEFINITION. 'ONE OF THE MANY BENEFITS OF OWNING PROPERTY IS THE RIGHT TO RESPONSABLY USE IT AS YOU PLEASE, HOWEVER THIS RIGHT IS NOT UNLIMITED.

THE NEXT DOOR PROPERTY OWNERS ARE USING ONLY THE PART, 'THE RIGHT TO USE THEIR PROPERTY AS THEY PLEASE' WITHOUT CONSIDERING OR CARING ABOUT THE PARTS, 'REASONABLY' OR 'THIS RIGHT IS NOT UNLIMITED'. AS LONG AS THEY ARE NOT BREAKING A 'CRIMINAL LAW' THEY DO NOT CARE HOW WHAT THEY DO AFFECTS OTHER PEOPLE, OTHER PEOPLE'S PROPERTY, OR THE NEIGHBORHOOD. WHAT THEY DO THAT NO ONE ELSE IN THE NEIGHBORHOOD DOES PROVES THIS.

THE DEFINITION OF 'NUISANCE PROPERTY' READS IN PART; 'THE USE OF ONE'S PROPERTY IN A MANNER THAT CREATES A SUBSTANTIAL, UNREASONABLE INTERFERENCE WITH THE USE OR ENJOYMENT OF ANOTHER PERSON'S PROPERTY, EVEN IF THE NUISANCE WAS CREATED BY SOMEONE ELSE.

I HAVE PROVIDED THE HISTORY, THE OVERALL APPEARANCE OF THE PROPERTY, THE LIFE STYLE, THE DISPICABLE THINGS, SAMPLES OF THE 200 PHOTOS, 100 VIDEOS, 250 POLICE REPORTS, AND 170 PIECES OF PHYSICAL EVIDENCE THAT SUBSTANTIATE THE GRIEVANCES. YOU ARE WELCOME TO CHALLENGE ANY OR ALL OF THE EVIDENCE.

I CAN PROVIDE YOU WITH CHARACTER TESTIMONY FROM CONCERNED NEIGHBORS AND FRIENDS AS TO HOW WE HAVE BEEN TREATED OVER THE YEARS BY THESE PEOPLE, MEDICAL RECORDS, OR A SIGNED PETITION IF YOU REQUIRE IT.

THESE ARE OUR GRIEVANCES. KEEP IN MIND THAT NO ONE ELSE IN THE NEIGHBORHOOD DOES THESE THINGS WHICH ARE:

#1. The property is a perpetual 'eyesore' affecting the overall aesthetics of the neighborhood and therefore driving down the property values. Piles of junk, mattresses, and loose trash are strewn about the property.

#2. The residents at this property and their acquaintances create a continual disruption in the everyday life of the neighborhood with their private and public disputes, yelling, cursing, in the yard and in the street.

#3. Police calls to this property are exorbitant compared to all other properties in this neighborhood, these 'calls' also create a disruption to the everyday tranquility of the neighborhood.

#4. Private Nuisance to the neighbors of this property and Public Nuisance to the neighborhood of which this property is a part by the constant running of 4-wheelers or such, with noise, smoke, fumes, clouds of dust, day and night, and for hours on end, in their own yard, in their neighbors yards, in the alley, and in the streets causing disturbances in the entire neighborhood. I have video on all of these allegations except noise.

#5. Unleashed dogs from this property constantly roaming the neighborhood, in neighbor's yards, and disrupting neighborhood dogs which are contained within their own properties.

#6. Unleashed dogs from this property which are urinating and pooping in other people's yards.

#7. Constant yelling for the unleashed dogs from this property and from throughout the neighborhood causing disturbances to the neighbors and throughout the neighborhood.

#8. Leashed dog urinating on and jumping on private property.

#9. Encroachment to private property with trash, junk, and articles of all sorts.

#10. Petty vandalism to private property.

#11. Derelict van in back yard for two years which the police can not tow away.

#12. Truck in the driveway unmoved for one year filled with junk and trash to overflowing which is a constant eyesore for the neighbors, the neighborhood, and passers by; all have to look at every day.

QUESTION: WHY ARE ALL THESE THINGS ALLOWED TO CONTINUE? ANSWER: BECAUSE THE CITY HAS NO ORDINANCES ADDRESSING MANY OF THESE OFFENCES WHICH ARE CONSIDERED PETTY AND ARE NOT (CRIMINAL OFFENCES) AND THE ORDINANCES THAT DO EXIST ARE ANTIQUATED AND HAVE NO CLOUT, THUS TYING THE POLICE OFFICERS HANDS SO THAT THERE IS NOTHING THEY CAN DO.

THE NEWSPAPER ARTICLE SAID I AM FRUSTRATED. CONSIDERING WHAT MY WIFE AND I HAVE ENDURED OVER THE YEARS AND PARTICULARLY RECENTLY, I HAVE EVERY RIGHT TO BE FRUSTRATED AND ANGRY.

MY WIFE IS LAYING ON THE COUCH IN AGONIZING PAIN AND HAS BEEN FOR FOUR MONTHS. TWO NIGHTS IN A ROW OF BEING BOMBARDED BY EXPLODING FIREWORKS HAS TRAMATIZED HER TO THE POINT THAT HER BLOOD PRESSURE HAS SPIKED TO THE LEVEL THAT HER DOCTOR CAN NOT SIGN OFF ON HER SPINE SURGERY UNTIL HOURS BEFORE THE SURGERY. YES, THIS UPSETE ME TREMENDOUSLY.

I GO OUT TO WAIT FOR THE POLICE TO SHOW UP TO BE GREETED WITH "HEY BITCH", TO BE FOLLOWED BY ROCKS BEING THROWN AT AND HITTING ME.

I HAVE AN UNDERSHIRT THAT IS STAINED WITH BLUE JELL FROM MY LIFE VEST AS A PRECURSER TO MY BEING ZAPPED BY THE DEFIBRILLATOR IN MY LIFE VEST.

I TOLD (SOME OF YOU) AT THE AUGUST 9TH MEETING THAT THESE JULY 3RD AND 4TH WEEKEND INCIDENTS WERE ALL I COULD TAKE FROM THESE PEOPLE, NO MORE! I HAVE TOLD THE POLICE OVER AND OVER THAT "THESE PEOPLE ARE NOT GOING TO STOP". THE POLICE TELL ME OVER AND OVER, "SORRY, THERE IS NOTHING WE CAN DO, OUR HANDS ARE TIED." THESE PEOPLE HAVE NOT STOPPED! THEY WILL NEVER STOP!

I DRIVE AROUND AND SEE THE STREETS WITH THEIR NICE HOMES AND NICE YARDS AND IMAGINE THE HOMEOWNERS COMING HOME EVERYDAY, SITTING ON THEIR PORCH SWING OR ON THEIR PADIO ENJOYING THEIR NICE CLEAN QUIET SAFE BLISSFUL NEIGHBORHOOD WITH NO NEIGHBORS ARGUING YELLING SCREAMING CURSING, (SHOOTING FIREWORKS AT THEIR HOUSE).

WHAT DO YOU GO HOME TO EVERY DAY?

WHEN IS ENOUGH, ENOUGH?

13 YEARS OF CONTINUAL HARASSMENT AND 150 POLICE CALLS TO A SINGLE RESIDENCE IS ENOUGH!

FINALLY, A QUOTE FROM (MOSE) THE AMISH GUY, "WHERE I COME FROM, WHEN SOMETHING NEEDS DOIN, YOU JUST DO IT."

Louis A. Daniels

327 E. BRYAN ST.