

**AGENDA  
CITY OF SALEM  
REGULAR CITY COUNCIL MEETING  
JULY 21, 2014  
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**
    - 1. Elks Proclamation
  - V. City Council Action**
    - 1. Consent Agenda:
      - a. Approval of Minutes – July 8 and July 15, 2014
      - b. St Theresa Hosted Cross Country Meets in Bryan Park
    - 2. Swearing In Officer Denise Garden
    - 3. Request to Host Fall Veterans' Softball Tournament on Softball Field
    - 4. Bills Payable
    - 5. Request for Downtown TIF Assistance from 618 Ink/Matt Helm
    - 6. Second Reading – Ordinance to Add E-Cigarettes to Tobacco Ordinance
    - 7. Smoking Policy in Salem Parks
    - 8. Purchase Approval – Animal Control Purchases
    - 9. Purchase Approval – City Hall Computer Software Upgrade to Clarity
    - 10. Council Sponsored Revisions to Sign and Zoning Codes
    - 11. Selection of Firm to Purchase Natural Gas
    - 12. Request for Two-Hour Limited Parking 200 Block East Schwartz
    - 13. Placement of Stop Signs at Salem Township Hospital Helipad
    - 14. Approval of Rhutasel Engineering Agreement for Street Resurfacing
    - 15. Allocation of Excess Grant Funds from Warmouth Water Project to Lakewood.
    - 16. Approval of Demolition of Feed Store & Gas Point Using UDAG Money
    - 17. Approval of Bryan Park Trail Alignment
    - 18. Purchase Approval – Tub Grinder to Grind up Stockpiled Yard Waste
  - VI. City Manager Report**
  - VII. City Attorney Report**
  - VIII. Finance Director Report**
  - IX. City Council Report**
  - X. Executive Session**
    - 19. Real Estate - 5 ILCS 120/2 (c)(6)
    - 20. Personnel – 5 ILCS 120/2 (c) (3)
  - XI. City Council Action**
    - 21. Approval of Executive Session Minutes from July 8, 2014
    - 22. Sale of Real Estate
  - XII. Adjournment**
- Bill Gruen  
City Manager

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**MINUTES  
CITY OF SALEM  
REGULAR CITY COUNCIL MEETING  
JULY 21, 2014**

**I. Call to Order**

A regular meeting of the Salem City Council was held on Monday, July 21, 2014 at 6:00 p.m. in the Council Chambers of Salem City Hall. The meeting was called to order by Mayor John Raymer.

**Council Members present:**

Councilman Jim Baity  
Councilman David Black  
Councilman Royce Bringwald  
Councilwoman Sue Morgan  
Mayor John Raymer

**Others present:**

City Manager Bill Gruen	Finance Director Ben Stratemeyer
City Clerk Bev Quinn	Economic Development Director Jeanne Gustafson
Chief of Police Ron Campo	Sgt. Susan Miller
Recreation Director Sherry Daniels	Public Works Director John Pruden
Code Enforcement Officer Brian Hunt	

Members of the media: Dennis Rosenberger, Salem Times Commoner and Bruce Kropp, WJBD Radio

**II. Prayer and Pledge of Allegiance**

Opening prayer was led by Councilman David Black, followed by the Pledge of Allegiance to the Flag.

**III. Presentations of Petitions/Public Comments - None.**

**IV. Mayor's Report and Presentations**

Mayor Raymer read a proclamation declaring July 2014 as "Salem Elks Lodge #1678 Month" in Salem, and recognized the organization for being awarded first place in the "All American Lodge" contest. Elks Exalted Ruler Mike Phillips thanked the Mayor and Council for the recognition, and advised those present that the Salem Elks has been selected to be the cover story in the Elks National Magazine, and a photographer and writer will be in Salem for three days to do the story. Mr. Phillips indicated this will bring some recognition to Salem.

**V. City Council Action**

1. Consent Agenda:

- a. Approval of Minutes – July 8 and July 15, 2014
- b. St. Theresa Hosted Cross Country Meets in Bryan Park

***Motion was made by Councilman Black and seconded by Councilman Bringwald that the consent agenda be approved. Roll call vote: AYES: Councilman Black, Councilman Bringwald, Councilwoman Morgan, Councilman Baity, Mayor Raymer. NAYS: None. Motion carried.***

2. Swearing in of Officer Denise Garden

Mayor Raymer indicated Officer Garden had been sworn in when hired, but she has now completed her training and he wanted to swear her in publicly.

3. Request to Host Fall Veterans' Softball Tournament on Softball Field

City Manager Gruen indicated Shawn Rasul has requested permission to use the men's softball diamond for a softball tournament benefitting the Kaskaskia College Veteran's Tribute Organization on September 5-6. ***Motion was made by Councilman Black and seconded by Councilman Bringwald that the request be approved as presented, and fees waived. Roll call vote: AYES: Councilman Bringwald, Councilwoman Morgan, Councilman Baity, Councilman Black, Mayor Raymer. NAYS: None. Motion carried.***

4. Bills Payable

***Motion was made by Councilman Black and seconded by Councilman Baity to approve the Bills Payable, as listed. Roll call vote: AYES: Councilwoman Morgan, Councilman Baity, Councilman Black, Councilman Bringwald, Mayor Raymer. NAYS: None. Motion carried.***

5. Request for Downtown TIF assistance from 618 Ink/Matt Helm

City Manager Gruen indicated the petitioner has requested that this request be temporarily withdrawn, as there may be some changes to the project.

6. Second Reading – Ordinance to Add E-Cigarettes to Tobacco Ordinance

City Manager Gruen indicated that in June, Council reviewed an ordinance that would regulate – cigarettes in the exact same manner as it currently regulates tobacco products. At a subsequent meeting, Council heard from Heidi See of Vapor 101, who was supportive in concept, but had concerns regarding being required to have a tobacco license or tobacco sign, as her products do not contain tobacco.

Mr. Gruen indicated his research has shown a void in the State law, in that it appears the law allows e-cigarettes to be sold to children under 18, if they do not contain nicotine. Mr. Gruen indicated he spoke to Ms. See again today, and she does not want to be lumped in with tobacco products, or to have to modify her advertising or flyers accordingly. Mr. Gruen indicated he just wants to be able to enforce no sales to those under 18, and to be able to enforce as a code violation, rather than depend on the States Attorney to prosecute.

Councilwoman Morgan indicated she feels it is dangerous to allow those under 18 to use the e-cigarettes, as it encourages kids to smoke.

Councilman Bringwald indicated he does not want to see e-cigarettes sold to those under 18, but he does not see a reason to change the ordinance at this time, as Ms. See does not sell to those under 18. Mr. Gruen indicated that while Vapor 101 may be the only store in town selling only vapor products, e-cigarettes are sold at other locations. Councilman Black indicated he does not want those under 18 to be able to purchase e-cigarettes. Consensus was that a very simple amendment to the code be made prohibiting sales of e-cigarettes to those under 18 years old, and violations having the same fines as tobacco violations. Mr. Gruen indicated he would have the City Attorney draft an ordinance for Council review. **Motion was made by Councilman Black and seconded by Councilman Bringwald that this item be tabled. Roll call vote: AYES: Councilman Black, Councilman Bringwald, Councilwoman Morgan, Councilman Baity, Mayor Raymer. NAYS: None. Motion carried.**

7. Smoking Policy in Salem Parks

Mayor Raymer introduced Lindy Payne of the Marion County Health Department, who is working towards limiting smoking in public parks where children play. Councilman Black indicated he does not want to tell people they cannot smoke in the open air. Mayor Raymer indicated he likes it that the government took a position to prohibit smoking inside buildings, and he would like to encourage children not to smoke. Mayor Raymer added that we must be advocates for children. Mayor Raymer read the proposed resolution out loud, and added that it does not totally restrict smoking where kids are playing and participating in recreational activities, it reads that, "all users of city recreation are encouraged to refrain from smoking where kids are playing and participating in recreational activities."

Councilman Black indicated the sign, which is a large red circle and diagonal line through it over a cigarette, clearly says, "no smoking". Councilwoman Morgan indicated she does not smoke, and she does not like to smell smoke, but the sign clearly implies "absolutely no smoking here". Councilman Black indicated he is not opposed to being a mentor and discouraging smoking to children, but he does not want to take away an adult's right to smoke in the open air.

Mayor Raymer asked for a motion. As there was no motion, no action was taken.

8. Purchase Approval – Animal Control Purchases

City Manager Gruen distributed a list of proposed Animal Control Startup & Renovation Expenses, totaling \$70,000. Mr. Gruen indicated he intended to use the approximately \$60,000 in the working cash fund, and will need to use an additional \$10,000.00.

**Motion was made by Councilwoman Morgan and seconded by Councilman Bringwald that the expenses be approved, as presented. Roll call vote: AYES: Councilman Bringwald, Councilwoman Morgan, Councilman Baity, Councilman Black, Mayor Raymer. NAYS: None. Motion carried.**

9. Purchase Approval – City Hall Computer Software Upgrade to Clarity

City Manager Gruen indicated he is requesting approval to purchase a software upgrade/update to "Clarity" for the City Hall financial software through Civic Systems, in the amount of \$30,950.00. The current software is seven years old, and Civic no longer offers custom reports for our software version. This is a budgeted purchase. The new version will be compatible with hand-held meter readers which we want to purchase and with new internet-based and credit/debit payments we want to offer as a utility option. **Motion was made by Councilman Black and seconded by Councilwoman Morgan that the software purchase through Civic Systems in the amount of \$30,950.00 be approved. Roll call vote: AYES: Councilwoman Morgan, Councilman Baity, Councilman Black, Councilman Bringwald, Mayor Raymer. NAYS: None. Motion carried.**

10. Council Sponsored Revisions to Sign and Zoning Codes

City Manager Gruen indicated the proposed changes were presented in Public Hearing by the Planning Commission, and there were no members of the public present. Mr. Gruen Indicated he would have the proposed changes put into ordinance format and brought back to Council.

11. Selection of Firm to Purchase Natural Gas

Mayor Raymer indicated he found the presentations made by the three firms being considered to be enlightening. Discussion ensued with the majority of the Council liking Ron Ragan of UGM, as he would be very hands on, the City already works with USDI (*associated with UGM*), Mr. Ragan was positive about CNG, and he indicated they would be able to give us accurate numbers as to what was purchased and used. City Manager Gruen indicated he had a standard contract from UGM that he would like the City Attorney to review. **Motion was made by Councilman Baity and seconded by Councilman Black to bring this item back after the City Attorney's review of the contract. Roll call vote: AYES: Councilman Baity, Councilman Black, Councilman Bringwald, Councilwoman Morgan, Mayor Raymer. NAYS: None. Motion carried.**

12. Request for Two-Hour Limited Parking 200 Block of East Schwartz

City Manager Gruen indicated the City has received a request from Justin Harness of Modern Woodmen to limit parking in the 200 Block of E. Schwartz to two hours, except for one handicapped accessible parking space. Consensus of the Council was to bring this back for a second reading at the next meeting.

13. Placement of Stop Signs at Salem Township Hospital Helipad

Public Works Director John Pruden and Chief of Police Ron Campo indicated they would like to see the results of the traffic study, prior to any action being taken. Mr. Pruden indicated that a yellow light is advisory, and a red light or stop sign is regulatory, and requires pre-signage and line of sight, etc. Mr. Pruden indicated he has spoken with a traffic engineer regarding the traffic study, and likes the idea of doing the study during the school year.

14. Approval of Rhutasel Engineering Agreement for Street Resurfacing

City Manager Gruen indicated he is recommending approval of Rhutasel's engineering agreement for oversight of this year's street resurfacing program, which will not exceed \$30,750. **Motion was made by Councilman Black and seconded by Councilman Bringwald to approve the agreement with Rhutasel Engineering to oversee this year's street resurfacing program, not to exceed \$30,750. Roll call vote: AYES: Councilman Black, Councilman Bringwald, Councilwoman Morgan, Councilman Baity, Mayor Raymer. NAYS: None. Motion carried.**

15. Allocation of Excess Grant Funds from Warmouth Water Project to Lakewood

City Manager Gruen indicated the City received a \$250,000 grant for the water line replacement project at Warmouth for which we'll have about \$65,000 left over. City Manager is requesting authorization to seek approval from the State to move this \$65,000 over to another water line project on Lakewood. **Motion was made by Councilman Black and seconded by Councilwoman Morgan that the City seek approval from the State to move the \$65,000 from Warmouth to Lakewood. Roll call vote: AYES: Councilman Bringwald, Councilwoman Morgan, Councilman Baity, Councilman Black, Mayor Raymer. NAYS: None. Motion carried.**

16. Approval of Demolition of Feed Store & Gas Point Using UDAG Money

City Manager Gruen indicated the City has been looking at demolishing the former Feed Store and Gas Point buildings at the corner of Main Street and Rotan for some time. In the midst of this consideration, the property was purchased at tax sale by Garland Simmons, who has plans to establish a used car dealership and for which he's received a zoning change. If the City decides to demolish these buildings, we will use UDAG money. The quote to remove both of the buildings from Chuck's Excavating was \$8,000. **Motion was made by Councilman Black and seconded by Councilman Baity to approve the demolition of the former Feed Store and Gas Point building at a cost of \$8,000.00. Roll call vote: AYES: Councilwoman Morgan, Councilman Baity, Councilman Black, Councilman Bringwald, Mayor Raymer. NAYS: None. Motion carried.** Councilman Bringwald expressed some concerns regarding the use of City funds, as he felt the new owner should have some responsibility.

17. Approval of Bryan Pak Trail Alignment

City Manager Gruen indicated the proposed trail presented by Micah Mulvaney of Marvin R. Jenkins and Associates at a previous meeting is being presented again for Council approval. The drawing

has been approved by the Illinois Department of Natural Resources. **Motion was made by Councilman Black and seconded by Councilman Bringwald that the Bryan Park Trail Design be approved. Roll call vote: AYES: Councilman Baity, Councilman Black, Councilman Bringwald, Councilwoman Morgan, Mayor Raymer. NAYS: None. Motion carried.**

18. Purchase Approval – Tub Grinder to Grind up Stockpiled Yard Wastes

City Manager Gruen indicated the City has accumulated a large amount of yard waste, and would like to contract with AgriCycle to use their tub grinder to reduce the waste to mulch at a price of \$9,700.00. If the City receives permission from IEPA, the mulch could be given to Salem residents.

**Motion was made by Councilman Black and seconded by Councilwoman Morgan to approve a contract with AgriCycle to utilize their tub grinder in the amount of \$9,700.00 to reduce the waste to mulch. Roll call vote: AYES: Councilman Black, Councilman Bringwald, Councilwoman Morgan, Councilman Baity, Mayor Raymer. NAYS: None. Motion carried.**

VI. **City Manager Report**

City Manager Gruen displayed a plan prepared by Rhutasel and Associates for development of the Jefferson and Main parking lot, showing 13-14 spaces across and four additional spaces along the edge. The surface will be rock until it settles.

VII. **City Attorney Report** – (absent)

VIII. **Finance Director Report** – None.

IV. **City Council Report** – None

X. **Executive Session**

19. Real Estate – 5 ILCS 120/2(c)(6)

20. Personnel – 5 ILCS 120/2(c)(3)

**Motion was made by Councilman Black and seconded by Councilwoman Morgan at to take a five minute break and enter into Executive Session at 7:25 p.m. for the purpose of discussing Real Estate and Personnel. Roll call vote: AYES: Councilman Bringwald, Councilwoman Morgan, Councilman Baity, Councilman Black, Mayor Raymer. NAYS: None. Motion carried.**

**Return to open session at 8:25 p.m.**

XI. **City Council Action**

21. Approval of Executive Session Minutes of July 8, 2014

**Motion was made by Councilman Black and seconded by Councilwoman Morgan that the executive session minutes of July 8, 2014 be approved and kept closed. Roll call vote: AYES: Councilman Baity, Councilman Black, Councilman Bringwald, Councilwoman Morgan, Mayor Raymer. NAYS: None. Motion carried.**

22. Sale of Real Estate

No action taken.

XII. **Adjournment**

**As there was no further business for discussion, Councilman Black made a motion at 8:26 p.m. to adjourn and Councilwoman Morgan seconded the motion. Roll call vote: AYES: Councilman Black, Councilman Bringwald, Councilwoman Morgan, Councilman Baity, Mayor Raymer. NAYS: None. Motion carried.**

Bev Quinn, CMC  
City Clerk