

**AGENDA
CITY OF SALEM
REGULAR CITY COUNCIL MEETING
SEPTEMBER 2, 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**

 - V. City Council Action**
 - 1. Consent Agenda:
 - a. Approval of Minutes – August 18, 2014
 - b. Selmaville School – sponsored Cross Country Event in Bryan Park on September 10
 - c. Oil Belt Conference Cross Country Meet in Bryan Park on October 6
 - 2. St. Theresa Grade School Color Run in Bryan Park on November 8
 - 3. Celebrate Murray – Celebrate Our Citizens Resolution
 - 4. Theatre Board Request for Authorization to Submit Grant Application for Theater Building Improvements
 - 5. Discussion on Noise & Disorderly Conduct Ordinance
 - 6. Ordinance – Auxiliary Police Amendment
 - 7. Surplus City Property Received by Salem PD
 - 8. Authorization to Change Road Closure Time on October 4 for 5K Run
 - 9. Request for Sidewalk Replacement at Schwartz and Pearl Streets

 - VI. City Manager Report**
 - VII. City Attorney Report**
 - VIII. Finance Director Report**
 - IX. City Council Report**
 - X. Executive Session**
 - 10. Real Estate – 5 ILCS 120/2 (c)(6)**
 - 11. Review of Executive Session Minutes 5 ILCS 120/2(c)(21)**

 - XI. City Council Action**
 - 12. Approval of Executive Session Minutes from July 21 and Aug 4, 2014
 - 13. Sale of Real Estate

 - XII. Adjournment**
- Bill Gruen
City Manager

**MINUTES
CITY OF SALEM
REGULAR CITY COUNCIL MEETING
SEPTEMBER 2, 2014**

I. Call to Order

A regular meeting of the Salem City Council was held on Tuesday, September 2, 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 David Black
Councilman Royce Bringwald
Councilwoman Sue Morgan
Mayor John Raymer

Council member absent: Councilman Jim Baity, due to illness.

Others present:

City Manager Bill Gruen	Finance Director Ben Stratemeyer
City Clerk Bev Quinn	Economic Development Director Jeanne Gustafson
Sgt. Susan Miller	Animal Control Officer Paul Wimberly
Public Works Director John Pruden	Code Enforcement Officer Brian Hunt
Library Director Kim Keller	

Members of the media and the public.

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**

Jane Marshall, Executive Director of Keep Salem Beautiful, indicated KSB had applied for and received a \$20,000 KAB/Lowe's Community Improvement Grant to be used for construction and signage for the expansion of the existing walking/biking trail that will connect the Nature Trail to the main park and to the new walking/biking trail. Ms. Marshall presented Mayor Raymer with copy of the check as part of the presentation.

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

Mayor Raymer indicated the City is still involved in discussions with the Salem Township Hospital Board regarding their proposals to close or reroute Broughton St. The engineer the City selected will be meeting with the City in the next week, and will be reviewing the proposals the hospital has made, as well as some additional proposals, and making a recommendation to the City. Mayor Raymer added that the hospital had made the request to close Broughton Street anticipating a quick answer, and while the City wants to be a good neighbor, this proposal needs to be discussed further. Mayor Raymer added that he appreciate the article Stephanie Hilton-Siebert did with the Salem Times Commoner, which gives a comprehensive description of what the hospital wants to do, and thanked Salem Times-Commoner Editor Dennis Rosenberger for getting the information out to the public.

V. **City Council Action**

1. Consent Agenda:

- a. Approval of Minutes – August 18, 2014
- b. Selmaville School-sponsored Cross Country Event in Bryan Park on September 10
- c. Oil Belt Conference Cross Country Meet in Bryan Park on October 6

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

2. St. Theresa Grade School Color Run in Bryan Park on November 8

City Manager Gruen indicated Crystal Logan, representing St. Theresa School, has inquired about the use of Bryan Park for a Color Run to benefit the school. The Color Run would use the cross country route inside the Park (not the Nature Trail) for the event. The Council may consider approval of this type of event subject to City approval of the substance used for the paint and the location where runners will be attached with the paint. Ms. Logan indicated the runners will be "color shot" at four locations within the park, and the substance used will wash away in the rain.

Motion was made by Councilman Black and seconded by Councilwoman Morgan that St. Theresa School be authorized to have a Color Run Fundraiser in Bryan Park on November 8th, and that the City Manager be authorized to approve the Color-Shot locations. Roll call vote: Ayes: Councilman Bringwald, Councilwoman Morgan, Councilman Black, Mayor Raymer. NAYS: None. Motion carried.

3. Celebrate Murray – Celebrate Out Citizens Authorization

City Manager Gruen presented a resolution commending Murray Center on its 50th Anniversary. .

Motion was made by Councilman Black and seconded by Councilwoman Morgan that Resolution 2014-06 – Celebrate Murray Center be approved. Roll call vote: AYES: Councilwoman Morgan, Councilman Black, Councilman Bringwald, Mayor Raymer. NAYS: None. Motion carried.

4. Theatre Board Request for Authorization to Submit Grant Application

City Manager Gruen indicated that some time ago, the City Council authorized the Theater Board to proceed with planning for an expansion of the Theater building for a dressing room and an ADA-accessible bathroom. The project was estimated to cost \$70,000 for which the Theater has a \$40,000 grant from Representative Cavaletto (Capital Bill) and the City Council had agreed to match with TIF grant funds in the amount of \$15,500 and a low-interest loan in the amount of \$15,500.

Salem Theatre and Cultural Center Board President Drew Johnson indicated he has been working with Jeanne Gustafson on rolling the Capital Bill grant into matching funds for a \$125,000 grant which will provide for \$250,000 in building renovations. Mr. Johnson indicated he would like to request approval to submit the grant application (*since the City owns the building*), and that the

request for funding be revised to a \$35,000 grant from the City. The \$35,000 from the City will be used with \$35,000 in Tourism Board funds, \$40,000 from the Capital Bill, and the remaining funds from other sources, as the \$125,000 match for the \$125,000 grant. Councilman Black asked if this is to be treated as a first reading. City Attorney Mike Jones indicated this is not an ordinance, therefore, Council can take action tonight. Mr. Johnson indicated the renovations would include stage and facade improvements, tuck-pointing, replacement of the original ticket booth, returning the marquee to the original style with neon lighting, expanding the main lobby into both adjacent buildings to include an office and concession area, stage equipment, theatrical lighting, a projection system with a retractable screen, in addition to a back-stage dressing room and restrooms. Mr. Johnson indicated he has been working with Architect Brian Edmison on some of the construction estimates, and has contacted some suppliers, such as Thomas James Productions in Terra Haute, IN directly. Mr. Johnson indicated they have built in \$5,000 in contingencies for the building and \$5,000 in contingencies for the electrical work. **Motion was made by Councilman Black and seconded by Councilwoman Morgan that the Theatre Board be authorized to submit the grant application, and that the City provide \$35,000 in grant funds (in place of the \$31,000 in grant and loan funds committed to earlier). Roll call vote: AYES: Councilwoman Morgan, Councilman Black, Councilman Bringwald, Mayor Raymer. NAYS: None. Motion carried.**

5. Discussion on Noise & Disorderly Conduct Ordinance

City Manager Gruen indicated he was contacted by Brad Decker requesting consideration by the Council of revised or new ordinances pertaining to noise and disturbances. City Manager Gruen indicated he and Interim Chief Susan Miller have reviewed elements of what Mr. Decker would like to see changed in our code of ordinances. Based upon their review, Interim Chief Miller sees a possible need for (1) a disorderly conduct ordinance; and (2) a change somewhere in the code that would allow the City to write ordinance violations for noise emitted from sources other than vehicles.

Interim Chief of Police Miller indicated currently, utilizing State Statutes, a complaint must be signed by a complainant. Adopting an ordinance would give the officer responding the authority to take action if someone is disturbing the peace, without a signed complaint. This would give the Police Department a tool for immediate consequences. Disturbances of the Peace do not carry much weight at the County level, and an ordinance would allow City Attorney Mike Jones to get it into court quickly. Fines would be between \$150 and \$750, plus court costs. Chief Miller indicated the officer issuing the ticket will have to testify, and will not write it unless there is cause to do so. City Council consensus was to move forward. City Attorney Mike Jones indicated he would draft an ordinance for the next meeting.

Craig Taylor, 300 E. Olive, Lot 19, asked to address Council, and indicated he is probably the reason Mr. Decker has requested the ordinance. Mr. Taylor indicated Mr. Decker has filed many complaints against him, all of which have been determined to be unfounded. Mr. Taylor indicated he has now filed a harassment charge against Mr. Decker. Mayor Raymer thanked Mr. Taylor for his comments, but indicated the City Council may not be the correct group to address. Mayor Raymer asked if Mr. Taylor would support a disturbing the peace or noise disturbance ordinance. Mr. Taylor said he would, as the Police would be able to determine that Mr. Decker's charges are unfounded. Mr. Taylor added that there should be an ordinance against filing false reports.

6. Ordinance – Auxiliary Police Ordinance Amendment

City Manager Gruen indicated that Interim Chief Miller has reported that the Illinois Law Enforcement and Training Standards Board has directed that we amend our auxiliary police ordinance. This is action taken in addition to the part-time police ordinance the Council passed earlier this year. Interim Chief Miller added that Auxiliary Offices of the Peace are volunteers, who can carry weapons. Part-time Officers have attended the Part-Time Academy and have full powers of the Police. Both groups have to have 40 hours of mandatory firearms training. The proposed ordinance will be brought back for a second reading.

7. Surplus City Property Received by Salem PD

City Manager Gruen indicated the Police Department has come into possession of approximately 20 firearms that were recovered from a prior theft at Hunting Stuff in Salem, a few years ago. City Manager Gruen indicated he is asking the City Council to declare the firearms as surplus, but

not make them available for the public to purchase. As directed in Hunting Stuff owner Cory Tolka's insurance agreement, Hunting Stuff should have the first opportunity to purchase the firearms. Councilman Black questioned the legality of declaring the firearms surplus, but not accepting bids on them. Interim Chief Miller indicated Hunting Stuff's insurer required that Hunting Stuff be given the first opportunity to purchase the firearms. Mr. Tolka also addressed Council, and indicated the firearms could be traded for ammunition and materials the Police Department does use. City Attorney Mike Jones indicated it could be offered to Hunting Stuff first, provided the merchant gives the City fair value on the firearms, but he would prefer that more bids be obtained. Councilman Black asked Mr. Jones if he would be okay with offering the firearms to Hunting Stuff, first. City Attorney Jones responded he would be, if the City is comfortable with the value they are getting. **Motion was made by Councilman Black and seconded by Councilman Bringwald to declare the referenced firearms as surplus. Roll call vote: AYES: Councilman Black, Councilman Bringwald, Councilwoman Morgan, Mayor Raymer. NAYS: None. Motion carried.**

8. Authorization to Change Road Closure Time on October 4 for Little Egypt Parade
City Manager Gruen indicated a 5K run event is being organized to support the SCHS Cross Country team and the Drama Club. Geff Purcell has been in contact with him, in his capacity as organizer. The Council would need to approve use of City streets for the run, and closing IL-Rt. 37 and US Hwy 50 at noon, instead of 1:00 p.m. IDOT has indicated the Mayor would need to sign a letter requesting the earlier time. Mr. Purcell has indicated to the City Manager that he is working with the Little Egypt volunteers, and they are reportedly in favor of the run event. **Motion was made by Councilman Black and seconded by Councilwoman Morgan that the request to use IL Rt. 37 and US Rt. 50 for the 5K run be approved, and the Mayor be authorized to request road closure at noon, rather than 1:00 p.m. Roll call vote: AYES: Councilman Bringwald, Councilwoman Morgan, Councilman Black, Mayor Raymer. NAYS: None. Motion carried.**

9. Request for Sidewalk Replacement at Schwartz & Pearl Streets
City Manager Gruen indicated property owners Dave Holland and Dr. Dan Smith are requesting that the City replace the sidewalk in the 200 Block of N. Pearl. The City did not budget for sidewalk replacement this fiscal year. Dr. Dan Smith, Kalie Smith, Dave Holland and Julie Holland were all recognized to speak. The building they own jointly has two addresses, 200 N. Pearl and 322 W. Schwartz.

Ms. Julie Holland indicated the sidewalk is buckling badly, and she has several clients who come to her for counseling are in wheelchairs, and are off-loaded from vans. The inside of the building is handicapped accessible, but the exterior is not. Mr. Dave Holland indicated they would like to tie their ramp into a functional City sidewalk. Councilman Black said that the City might be able to take care of the sidewalk, but the ramp would be the property owners' responsibility. Mr. Holland asked what he could do to present their case and get a commitment from the City to replace 60-70 ft. of sidewalk. Councilman Black asked if they would be willing to participate in the cost. Mr. Holland indicated he and Dr. Smith have discussed this, but have not come to an agreement on it. Mr. Holland added that Dr. Smith is just starting his practice, and both building owners have brought their interiors into ADA compliance. Mayor Raymer asked if Public Works Director Pruden could give an estimated cost. Mr. Pruden indicated a normal city block of 300 ft. would cost between \$20,000 and \$30,000. If this project is approximately 80 ft., with no driveways, it could probably be done for between \$15,000 and \$20,000.

Mr. Holland indicated Assistant Public Works Director Annette Brushwitz had discussed the possibility of a cost-share with him, and City Manager Gruen had indicated the site was in a TIF district, and sidewalks would be a TIF eligible expense. Mr. Gruen responded that it is in a TIF district, but the City has more money in Fund 18, and that he had discussed the possibility of Mr. Holland constructing a parking lot as a TIF project.

Dr. Smith indicated several trees were removed a week or two ago, and he would not want to see the stumps ground down and a new sidewalk poured, then the ground settle and cause the sidewalks to crack. Mr. Holland asked what it would take for the City to commit to a timeline on removal of the hideous stumps and put down rock pack. Public Works Director Pruden indicated it would be done the following week.

- VI. **City Manager Report** - None.
- VII. **City Attorney Report** – None.
- VIII. **Finance Director Report** – None.
- IX. **City Council Report**

Councilman Black apologized to Mayor Raymer for inferring at the last meeting that he had placed his name on a notice to go out for bid on the Bryan Park Walking Trail. Councilman Black indicated he has since learned Mayor Raymer had nothing to do with his name being placed on the notice.

Councilwoman Morgan asked if Council is waiting until the engineering report comes in to vote on whether or not to close Broughton Rd. Mayor Raymer responded that they are. Councilman Black indicated he had originally suggested going under the road, but has since decided going over the road, as suggested by Councilman Bringwald, might be appropriate. The helipad could be raised, as well. Councilman Black stated that he is not in favor of closing the road. Mayor Raymer indicated that during the meeting with the hospital, Mr. Pruden had made a very good suggestion about creating a bump in Broughton Road that could be a temporary fix, with further review of a more permanent fix involving a detour to the south and improvements to College St. This would provide us with both a short-term plan and a long-term plan. Mr. Pruden suggested a slight hump in the road, no tunnel under or roadway over, and a stop sign. Councilwoman Morgan suggested advising the hospital board that we are not interested in closing the road, but will look at other options.

X. **Executive Session**

10. Real Estate – 5 ILCS 120/2 (c) (6)

11. Review of Executive Session Minutes 5 ILCS 120/2 (c) (21)

Motion was made by Councilman Black and seconded by Councilman Bringwald at 7:05 p.m. to enter into executive session for the purpose of discussing Real Estate and to review Executive Session Minutes. Roll call vote: AYES: Councilwoman Morgan, Councilman Black, Councilman Bringwald, Mayor Raymer. NAYS: None. Motion carried. (Five minute break.)

Return to Open Session at 7:25 p.m.

XI. **City Council Action**

12. Approval of Executive Session Minutes from July 21 and Aug. 4, 2014

Motion was made by Councilman Black and seconded by Councilwoman Morgan that the Executive Session Minutes of July 21 and August 4, 2014 be approved, and remain closed. Roll call vote: AYES: Councilman Black, Councilman Bringwald, Councilwoman Morgan, Mayor Raymer. NAYS: None. Motion carried.

13. Sale of Real Estate

Mayor Raymer indicated there would be no action on Sale of Real Estate.

XII. **Adjournment**

As there was no further business for discussion, Councilman Black made a motion at 7:37 p.m. to adjourn the meeting and Councilwoman Morgan seconded the motion. Roll call vote: AYES: Councilman Bringwald, Councilwoman Morgan, Councilman Black, Mayor Raymer. NAYS: None. Motion carried.

Bev Quinn, CMC
City Clerk

Minutes Approved: _____