

**AGENDA  
CITY OF SALEM  
REGULAR CITY COUNCIL MEETING  
JULY, 20 2015  
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 –June 6, 2015 Regular Meeting
  - 2. Bills Payable
  - 3. Approval of ABATE Freedom Riders Request to Use Men's Softball Field on August 8 for Fundraiser
  - 4. Request from Little Egypt Festival to hold "Sunday Fun Day" on Oct 4, 2015
  - 5. Open Bids for Sale of 1414 S Broadway
  - 6. Approval of Motor Fuel Tax (MFT) Bids
  - 7. Action on Recommendation from Planning Commission
  - 8. First Reading – Ordinance Making Amendments to City Liquor Code
  - 9. Authorization to Implement a Five-Year Gas Futures Purchase
  - 10. Approval of Bid for Retired City Leaf Vac
  
- VI. City Manager Report**
- VII. City Attorney Report**
- VIII. Finance Director Report**
- IX. City Council Report**
- X. Adjournment**

Bill Gruen  
City Manager

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**MINUTES  
CITY OF SALEM  
REGULAR CITY COUNCIL MEETING  
JULY 20, 2015**

**I. CALL TO ORDER**

A regular meeting of the Salem City Council was held on July 20, 2015. The meeting was called to order by Mayor Rex Barbee at 6:00 p.m.

**Council members present:**

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

**Council members absent:** None.

**Others present:**

City Manager Bill Gruen	City Clerk Bev Quinn
City Attorney Mike Jones	Finance Director Ben Stratemeyer
Chief of Police Sean Reynolds	Public Works Director John Pruden
Code Enforcement Officer Brian Hunt	Economic Development Director Jeanne Gustafson
Recreation Director Sherry Daniels	Members of the Public and Media

**II. PRAYER AND PLEDGE OF ALLEGIANCE**

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

**III. PRESENTATION OF PETITIONS/PUBLIC COMMENTS – None.**

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

Mayor Barbee indicated he had the privilege of being invited to the 100<sup>th</sup> Anniversary of the Isaac Hull Chapter of the Daughters of the American Revolution Celebration. Mayor Barbee indicated the Isaac Hull Chapter does a nice job of preserving history, contributing to the community, and promoting patriotism, and the event was very well attended.

V. CITY COUNCIL ACTION

1. **Consent Agenda**

- a. Approval of Minutes – July 6, 2015 Regular Meeting

***Motion was made by Councilman Baity and seconded by Councilwoman Morgan to approve the consent agenda as presented. Roll call vote: AYES: Councilman Farley, Councilman Morton, Councilwoman Morgan, Councilman Baity, Mayor Barbee. NAYS: None. Motion carried.***

2. **Bills Payable**

***Motion was made by Councilman Farley and seconded by Councilman Baity that the Bills Payable be approved as presented. Roll call vote: AYES: Councilman Morton, Councilwoman Morgan, Councilman Baity, Councilman Farley, Mayor Barbee. NAYS: None. Motion carried.***

3. **Approval of ABATE Freedom Riders Request to Use Men’s Softball Field on August 8 for Fundraiser**

Rose Versel of the ABATE Freedom Riders, indicated their organization does a lot of fundraisers, rummage sales, softball tournaments, raffles and other events to put on a “Christmas for Kids” program, with 100% of the donations and funds raised used on the purchase of toys, clothing and special wishes the children may have for Christmas. The money that is collected goes directly back into community businesses where the purchases are made. ABATE is asking to use the men’s softball diamond on August 8<sup>th</sup> for a fundraiser to benefit this cause. ***Motion was made by Councilman Farley and seconded by Councilman Baity that the request from A.B.A.T.E. to use the ballfield on August 8, 2015 for a fundraiser be approved. Roll call vote: AYES: Councilwoman Morgan, Councilman Baity, Councilman Farley, Councilman Morton, Mayor Barbee. NAYS: None. Motion carried.***

4. **Request from Little Egypt Festival to hold “Sunday Fun Day” on October 4, 2016**

Jay Henke, Little Egypt Festival Committee Chairman, indicated they had received comments from the public encouraging them to expand the festival. To that end, they are requesting usage of the stage and Kiwanis Shelter (#2) for a contemporary Christian Concert on Sunday, October 5<sup>th</sup> from 12:00 p.m. to 5:00 p.m. This will be a free concert by local church praise bands from Salem and surrounding communities, with a sound production company provided with funding from the Little Egypt Festival. The festival committee will ask for ideas and assistance from local churches who would like to help in offering free activities for families. The festival committee will also be providing a hot dog/chips/drink meal at a price of either \$1 or \$2, just to cover the cost of food. There will be no vendors or selling of anything, and no one will be charged for any activity. Once the festival has all details in place, they will approach the Parks department about the feasibility of blocking a few roads in the area of the event (Decatur behind the stage and part of G.A.R. Drive) to provide safety for children crossing the street to the playground. ***Motion was made by Councilwoman Morgan and seconded by Councilman Morton to approve the use of Shelter 2 and the stage for the Little Egypt Festival Family Day on October 5<sup>th</sup>, and to waive the fees. Roll call vote: AYES: Councilman Baity, Councilman Farley, Councilman Morton, Councilwoman Morgan, Mayor Barbee. NAYS: None. Motion carried.***

5. **Open Bids for Sale of 1414 S. Broadway**

City Manager Gruen indicated City had advertised for three consecutive weeks in the Salem Times Commoner that it was accepting bids on the former Jarco building, 1414 S. Broadway. Only one bid was received by the July 24<sup>th</sup> deadline, and will be opened at this meeting. Mr. Gruen added that he had anticipated that bids would be open, and he would be given the opportunity to review them, prior to making a recommendation to Council for action. The bid was opened, and was submitted by Keith McNeil Appliance Sales, in the amount of \$101,000. Mr. McNeil indicated he intends to relocate the Milner-McNeil Appliance sales to the new location, continue to employ the three employees he currently has, and anticipates hiring two to three additional employees. Mr. Gruen indicated he would place acceptance of this bid on a future agenda for City Council action.

6. **Approval of Motor Fuel Tax (MFT) Bids**

City Manager Gruen indicated Rhutasel and Associates helped the City review MFT bids for street chipping projects scheduled for this year. Low bid for seal coat comes from Howell Paving, in the amount of \$812,630.16. Low bid for pea gravel comes from Quad County, in the amount of \$32,712.00. City Manager Gruen indicated these total approximately \$14,000 over what had originally been planned for, but the MFT funds are there, and he recommends award to the low bidders. ***Motion was made by Councilwoman Morgan and seconded by Councilman Baity to approve award of the low bid for seal coat to Howell Paving in the amount of \$81,630.16 and***

***the low bid for gravel to Quad County in the amount of \$32,712.00. Roll call vote: AYES: Councilman Farley, Councilman Morton, Councilwoman Morgan, Councilman Baity, Mayor Barbee. NAYS: None. Motion carried.***

**7. Action on Recommendation from Planning Commission**

City Manager Gruen indicated a request was made to rezone property on South Marshall Street from RS-2 to RS-3 to allow for the placement of a mobile home. The Planning Commission met on July 14<sup>th</sup>, and has recommended that the property not be rezoned. The reported reason for the denial is a trend to move away from mobile homes in this neighborhood

The petitioner, Joann Scott, addressed City Council indicating she would like to have the two lots rezoned to RS-3 so she can place a 2007 single-wide mobile home on the lots and live there with her three children. Ms. Scott provided two additional letters of support from neighboring property owners that read as follows:

- Theresa Bass, 1114 E. Church  
*"I, Theresa Bass, live at 1114 E. Church, Salem, IL, have no objection for a rezoning for a single-wide mobile home on Marshall St. in Salem, IL. /s/ Theresa Bass, 7/20/15"*
- Mr. and Mrs. Randall D. Chapman, 510 S. Marshall, Salem, IL  
*"Mr. and Mrs. Randall D. Chapman have no objection to a mobile home set up across from our address, which is 510 S. Marshall. To whom it concerns. /s/ Randall D. Chapman"*

Mr. Lyle Slater spoke in favor of the rezoning. Mr. Slater indicated he and his wife support the petition, as the lots are very overgrown and they would like to see the lots cleared and improved.

Mr. David Huffhine indicated he owns property in the neighborhood, and stated that the entire area is set off from the rest of town, and not much city money has been put into the area. Mr. Huffhine indicated the area used to be commercial and contained a mobile home park. Mr. Huffhine indicated that he would support anyone who wanted to clean up the two lots in question and "follow their dreams". Huffhine added that the problems caused in the past were caused by the residents of rental properties.

Mr. James Weems, 610 S. Lackey, spoke in opposition to the proposed rezoning. Mr. Weems referenced disturbances to the neighborhood caused by the residents of six or seven mobile homes that were located on Locust Street several years ago. Mr. Weems indicated there were fights, drinking, drugs, people moving in and out all the time.

A letter was submitted by Mrs. Martha Pruden, owner of property located at 412 S. Marshall, voicing her opposition. Mrs. Pruden's letter read as follows:

- Martha Pruden, 806 N. Ohio, owner of 412 S. Marshall  
*"To Whom It May Concern:*

*I, Martha Stanford Pruden, own the property and home located at 412 South Marshall in Salem and my family has owned this property and home for over seventy years. This is a very established residential neighborhood with stable, older single family houses. No single wide mobile homes currently exist in the Marshall Street and Lackey Street neighborhood. I do not want the value of the neighborhood and existing houses to be deteriorated by the introduction of single wide mobile homes.*

*In 1998, the Salem Planning Commission was petitioned to rezone the property adjacent to the current petition, to re-zone from RS-2 to RS-3 and allow a single wide mobile home. That petition was denied and subsequent confirmed by Salem City Council vote, also. A down-zoning to RS-3 was not justified.*

*The rationale for denial in 1998, and reasons I strongly believe to be still valid, were based upon single wide mobile homes depreciating the value of existing homes. Although the value of some homes in the neighborhood may not be great, they have held value and do not depreciate as quickly as mobile homes.*

*It was advised by staff and the Planning Commission in 1998 to re-zone to RS-5 or maintain the RS-2 zoning and not down-zone to RS-3. I do not feel that the neighborhood has changed enough to diminish the actions taken in 1998, and feel that time has*

*validated the judgement of the Planning Commission and City Council. I feel the arguments and actions taken in 1998 are still valid and applicable, and encourage the Planning Commission to follow a precedent previously established, and deny this down-zoning petition. Thank you, Martha Pruden, 806 N. Ohio, Salem, IL 62881”*

Mrs. Pruden also spoke (*in addition to submitting a letter*) and added that the neighborhood is an older one, and they are trying to keep their property rates up. Ms. Pruden added that modular homes are taxed like stick-built homes, and are real property. Single-wides are not.

Councilman Farley indicated he is conflicted regarding the proposed rezoning, as he supports the idea of the lots being cleaned up and improved but he also wants to support the Planning Commission. Councilwoman Morgan added that Council needs to seriously consider this, and even though she is all for pulling down derelict buildings, she feels that if the petitioner wants to purchase a mobile home and land, she deserves a chance. Councilman Farley added that there is a modular home in his neighborhood that has ended up being one of the nicest in the neighborhood. Councilwoman Morgan indicated she would support the rezoning.

Mayor Barbee indicated he would like this item tabled until the next meeting, and suggested the two additional letters of support and comments made be forwarded to the Planning Commission with an inquiry as to whether or not they feel the additional information warrants further review at the Planning Commission level. ***Motion was made by Councilman Farley and seconded by Councilman Baity that this item be tabled until the next City Council meeting. Roll call vote: AYES: Councilman Baity, Councilman Farley, Councilman Morton, Mayor Barbee. NAYS: Councilwoman Morgan (as she will not be at the next City Council meeting to vote.) Motion carried.*** Code Enforcement Officer Brian Hunt indicated he would take a look at the overgrown condition of the property.

#### **8. First Reading – Ordinance Making Amendments to City Liquor Code**

City Manager Gruen indicated he had enclosed draft changes to the City’s Liquor Ordinance to accomplish a reorganization of liquor license holders and which would permit sales on Sundays. The draft changes very closely reflect those discussed at a prior Council meeting. Mr. Gruen pointed out the following notes:

- a) A review of the Liquor Ordinance revealed that the provision for the Class H license for the Community Center may not reflect some of its longtime practices. Language is stricken to account for these practices (the prohibition for alcohol at athletic events should probably be retained.)
- b) I’ve tried to group all license holders whose primary commercial activity involves amusements, including video gaming, into Class G. Some of these licenses holders are currently Class D license holders, which means their fees would decrease from \$1,500 to \$600, unless a change was made to increase the fee for Class G licenses. Making such a change would also cause the fee for at least one other license holder to increase from \$400 to \$1,500. If an increase in the fee is desired, the City could give a couple-year reprieve from the fee increase.
- c) There’s a sentence in the Class E license pertaining to open hours that reads incorrect and also needs to change.

City Attorney Mike Jones added that the only proposed change of any substance is sales on Sunday. Mr. Gruen added that this does not change the overall number of licenses,

Councilman Farley indicated the proposed ordinance does almost exactly what he wanted to accomplish, and added that Sunday sales will not start until noon, out of respect for the Ministerial Alliance. The revisions level the playing field, and makes Salem seem more progressive.

Mayor Barbee asked if these changes will result in additional work for the Police Department. Chief Reynolds indicated they would not.

Shirley Kern of Salem indicated she was not in support of extending the hours for alcohol sales, as we have disrespected the Sabbath enough. Ms. Kern indicated she came from a home where alcohol was a problem, and she feels Sunday sales will just cause more problems. Kern added that it is bad enough that Salem allows gaming.

Mayor Barbee indicated this will be handled as a first reading.

**9. Authorization to Implement a Five-Year Gas Futures Purchase**

City Manager Gruen indicated Ron Ragan of Utility Gas Management (UGM) purchases market gas on behalf of the City. Mr. Ragen has been discussing with the City Manager, as well as some of the City's largest gas users, the possibility that the city would strike a five-year gas futures purchase. This will not be the typical winter strip hedge which he has implemented under the general authority of the city manager. Essentially, the city is approaching a period of time when the cost of gas for five years into the future may reach a 14-year low. If this low is reached, Mr. Ragen recommends the City buy a portion of future gas demand for five years.

Councilman Morton asked if UGM has other municipal clients who are looking at the five-year hedge. Mr. Gruen responded that they have 35 municipal clients, and nearly all of them have agreed to the five-year hedge. Mr. Gruen added that this is not for all gas purchased, just a portion, as a type of insurance, should the cost of gas go up. Councilman Morton indicated that if the price goes down, it will be in cents, not dollars. Mr. Gruen responded that the city's largest gas user, Radiac, has not called back with an opinion. Councilman Farley indicated he has spoken with both Radiac and Americana, and they are not opposed.

City Manager Gruen indicated this is just a first discussion and he is happy to postpone City Council action until the next meeting. Mayor Barbee advised Mr. Gruen that if City Council takes action authorizing him to enter into a five-year hedge, it doesn't mean that he would *have* to do it, he would just be *authorized* to do it. Mr. Gruen indicated he would like to have Radiac's opinion on this, and he would prefer that this be brought back for the next meeting.

**10. Approval of Bid for Retired City Leaf Vac**

City Manager Gruen indicated that earlier this year, the City published a request for bids to purchase the City's retired leaf vac, a 1998 Tarco Windy. No bids were received at the deadline, but a bid has since been submitted by Brian's Tree Service of Granger, IN, in the amount of \$4,200, and he recommends approval. Public Works Director Pruden indicated he also recommends approval of this bid. ***Motion was made by Councilman Baity and seconded by Councilman Farley that the bid from Brian's Tree Service in the amount of \$4,200.00 to purchase the 1998 Tarco Windy leaf vac be accepted. Roll call vote: AYES: Councilman Morton, Councilwoman Morgan, Councilman Baity, Councilman Farley, Mayor Barbee. NAYS: None. Motion carried.***

**VI. CITY MANAGER REPORT**

City Manager Gruen indicated the UP Grant deadline is in mid-August, and he will be talking to staff tomorrow morning at staff meeting regarding possible projects to apply for.

**VII. CITY ATTORNEY REPORT – None.**

**VIII. FINANCE DIRECTOR'S REPORT – None.**

**IX. CITY COUNCIL REPORT**

**Councilwoman Morgan** indicated local businesses are participating in a "Christmas in July" event this Friday and Saturday, July 24<sup>th</sup> and 25<sup>th</sup>, and she urged citizens to support their local businesses. City Manager Gruen added that local singer Jamie Nattier will be performing on Sweny Corner, through the sponsorship of Country Creek Treasures.

**Councilman Farley** mentioned that the Salem Elks will be hosting an "Able Veterans" event on July 22<sup>nd</sup>, to help veterans obtain service dogs to assist them with PTSD.

**X. ADJOURNMENT**

***Motion was made by Councilman Farley and seconded by Councilman Morton that the meeting be adjourned at 7:17 p.m. Roll call vote: AYES: Councilwoman Morgan, Councilman Baity, Councilman Farley, Councilman Morton, Mayor Barbee. NAYS: None. Motion carried.***

Bev Quinn, CMC  
City Clerk

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