

**MINUTES OF THE REGULAR MEETING  
OF THE LA SALLE CITY COUNCIL  
HELD IN THE COUNCIL CHAMBERS,  
745 SECOND STREET, LA SALLE, IL.  
7:00 P.M., Tuesday, July 30, 2013**

**CALL TO ORDER**

The meeting was called to order by Mayor Jeff Grove at 7:00 p.m.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**Present-** Mayor Grove, Alderman Demes, Bacidore, Ptak, Reynolds, Lavieri, Duncan, Herndon, Schneider

**Absent-** None

**APPROVAL OF MINUTES**

Moved by Alderman Demes and seconded by Alderman Reynolds that the minutes of the regular City Council meeting held on Tuesday, July 16, 2013 and the minutes of the Special Meeting of the City Council held on Thursday, July 18, 2013 are accepted and placed on file; each and every alderman has a copy. Voice vote all ayes, motion carried.

**PUBLIC HEARING**

Moved by Alderman Schneider and seconded by Alderman Herndon to open the Public Hearing to receive comments concerning the proposed Appropriation Ordinance and matters related thereto. Voice vote, all ayes motion carried.

No public comments were made. Alderman Herndon indicated that the water rate increases previously implemented a year and a half ago are being used to make improvements to the water and infrastructure needed and required by the EPA. Attorney McPhedran pointed out that the increased salary amounts appropriated for the Superintendent of Public Works and Comptroller/Finance Officer are due to potential replacements that will need to be trained by the current Superintendent and Comptroller prior to their retirements.

Moved by Alderman Schneider and seconded by Alderman Herndon to close the public hearing. Voice vote, all ayes, motion carried.

Moved by Alderman Herndon and seconded by Alderman Duncan to return to regular session. Voice vote, all ayes, motion carried.

## **PETITIONS**

Motion by Alderman Bacidore and seconded by Alderman Reynolds to grant permission to the Center for Youth & Family Solutions to hold a Pork Chop Bar-B-Que on Wednesday, August 21 from 4:30 p.m. to 7 p.m. at 815 2<sup>nd</sup> Street. Voice vote, all ayes, motion carried.

Motion by Alderman Schneider and seconded by Alderman Lavieri to grant the request of La Salle Peru Township High School Band Parent Association for a door-to-door candy sale in La Salle on Thursday, September 12, 2013 from 5:30 to 8:00 p.m. respecting all no solicitation signs.

Voice vote, all ayes, motion carried.

Moved by Alderman Demes and seconded by Alderman Schneider to grant a 2013 Raffle License to the Zonta Club of Illinois. Each and every alderman has a copy.

Voice vote, all ayes, motion carried.

Moved by Alderman Ptak and seconded by Alderman Herndon to grant a request for a Tag Day to the Illinois Valley YMCA Dolphins on September 28, 2013.

Voice vote, all ayes, motion carried.

Moved by Alderman Ptak and seconded by Alderman Herndon to accept the recommendation of the Finance Committee and deny the request for a donation to the American Red Cross Illinois Valley Chapter for the Walk/Run/ Bike fundraiser on August 25, 2013.

Voice vote, all ayes, motion carried.

Moved by Alderman Lavieri and seconded by Alderman Duncan to approve the requests of Ameren Illinois to break ground 633 Maple Road to repair a leak at the service tee, 1460 La Fayette Street to set a pole in the alley at the southeast corner of the lot at 1460, 1245 La Harpe Street to repair a gas leak at the service tee, 402 Garfield Avenue to install gas service and install drop pole on the south side of Garfield, and 529 4<sup>th</sup> Street to retire farm tap.

Voice vote, all ayes, motion carried.

## **REPORTS OF CITY OFFICERS**

Moved by Alderman Ptak and seconded by Alderman Lavieri to accept and place on file the Treasurer's Report for June 2013 showing cash balances in the LaSalle State Bank of \$608,575.77 and Hometown National Bank of \$2,145,662,.51. Each and every alderman has a copy. Voice vote, all ayes, motion carried.

Moved by Alderman Lavieri and seconded by Alderman Herndon to accept and place on file the Police Income Report for June 2013 showing fees collected of \$16,201.75. Each and every alderman has a copy.

Voice vote, all ayes, motion carried.

## **BIDS**

Economic Director Don Aleksy explained options regarding asbestos removal and demolition at 334 4<sup>th</sup> Street and asbestos removal at the former bank drive-up at 2<sup>nd</sup> and Marquette Streets. The adherence to EPA and OSHA regulations will be required as part of the contract with the City of La Salle. An approval letter from the EPA in Peoria has been requested by Mr. Aleksy approving the procedures outlined by the remediation companies bidding the jobs.

Moved by Alderman Ptak and seconded by Alderman Demes to accept the bid from Apex Companies LLC for asbestos removal at the bank drive-in of \$9,663 and also accept the bid of Glynn Demolition for demolition of the property at 334 4<sup>th</sup> Street of \$15,000.

**ROLL CALL:** AYE: Alderman Demes, Bacidore, Ptak, Reynolds, Lavieri, Duncan, Herndon, Schneider. NAY: None. Absent: None **Motion carried. 8- 0**

**BIDS: Bank Drive-Up**  
**Apex \$9,663**  
**Ideal \$12,500**

**334-4th Street**  
**Apex- \$14,340**  
**Ideal- \$16,800**  
**Glynn- \$15,000**

## **APPOINTMENTS AND RELATED MATTERS**

Mayor Grove asked the council to approve the appointment of John Duncan IV as the successor to the current Comptroller upon her retirement.

Because of the unique circumstances where the potential appointee has a father serving as an alderman, Attorney McPhedran researched and cited cases which clearly makes Alderman John Duncan III eligible to vote on this matter because the interests of Alderman Duncan III are not direct, definite, proprietary or pecuniary. Alderman McPhedran also contacted the Illinois Municipal League for consultation on this matter and they concurred with Alderman Duncan's eligibility to place a vote and represent his constituents.

Cases cited by Attorney McPhedran regarding this matter are: Appellate Court of Illinois Cases: People of the State of Illinois vs. J.R. Simpkins, 45 Ill. App.3d 202,359 N.E. 2d 828 3 Ill. Dec. 969 (January 13, 1977), Appellate Court of Illinois Lapp vs. The Village of Winnetka 359 Ill. App. 3d 152,833 N.E.2d 983,295 Ill. Dec. 777(July 29, 2005), and Hollister vs. North 50 Ill. App. 3d.56,365 N.E. 2d, 258 Ill. Dec. 20 (January 13, 1977)

Attorney McPhedran also cited the Illinois Supreme Court case of Prosser vs. Fox Lake 91 Ill. 2d 389 which addressed among other things, the importance of elected officials to vote if possible in appropriate circumstances and issues concerning abstentions.

Prior to voting, Alderman Demes, Bacidore, Ptak, Reynolds, Lavieri and Schneider made comments regarding their vote. No comments were made by Alderman Duncan or Alderman Herndon.

Moved by Alderman Ptak and seconded by Alderman Schneider to approve the appointment by Mayor Grove of John Duncan IV to succeed Joann Milby as Comptroller, also known as Finance Director of the City of La Salle upon her retirement effective May 1, 2014 and related thereto to hire John Duncan IV at this time for training and related purposes.

**ROLL CALL:**AYE: Ptak, Lavieri, Duncan, Schneider

NAY: Demes, Bacidore, Reynolds, Herndon. Mayor Grove votes Aye to break the tie. **Motion carried. 5-4**

Prior to the Mayor's vote, Attorney McPhedran also cited Illinois State Statute 65 ILCS 5/3.1-40-30, the Illinois Supreme Court case of Siegel vs.City of Belleville 349 Ill. 240,181 N.E. 687(June 24, 1932) and Appellate Court of Illinois People of the City of Elmwood vs. David Courson 113 Ill. App. 3d 841,448 N.E. 2d 6,69 Ill. Dec. 711(April 8, 1983) which address the Mayor's ability to break a tie and vote in these circumstances in order to prevent a deadlock.

**APPOINTMENT- John Duncan IV,  
Comptroller/Finance Director 3 year  
term commencing May 1, 2014.**

### **OLD BUSINESS**

Moved by Alderman Ptak and seconded by Alderman Schneider to authorize, pay and place on file Invoice #17 from HR Green for the La Salle Retaining Wall totaling \$18,610.90 Each and every alderman has a copy.

**ROLL CALL:** AYE: Alderman Demes, Bacidore, Ptak, Reynolds, Lavieri, Duncan, Herndon, Schneider. NAY: None. Absent: None **Motion carried. 8- 0**

Moved by Alderman Lavieri and seconded by Alderman Herndon to authorize, pay and place on file Invoice #2 from HR Green for the Water System Needs Study totaling \$6,192.00 Each and every alderman has a copy.

**ROLL CALL:** AYE: Alderman Demes, Bacidore, Ptak, Reynolds, Lavieri, Duncan, Herndon, Schneider. NAY: None. Absent: None **Motion carried. 8- 0**

Moved by Alderman Schneider and seconded by Alderman Lavieri to authorize, pay and place on file Change Order #10 for the Retaining Wall Construction Project IKE Disaster Recovery CDBG Funded Improvements. Each and every alderman has a copy.

**ROLL CALL:** AYE: Alderman Demes, Bacidore, Ptak, Reynolds, Lavieri, Duncan, Herndon, Schneider. NAY: None. Absent: None **Motion carried. 8- 0**

### **NEW BUSINESS**

Alderman Bacidore informed the council that Mabelle Senica contacted him for permission to hold a retirement/customer appreciation party at Walt's Tap at 1059 9th Street on August 10, 2013 from noon until 7 p.m. Because the request was too late to get on the agenda, a straw poll was taken and no objections were raised by the aldermen. The request will be added to the August 13, 2013 agenda for formal council approval.

Alderman Reynolds indicated that Ken Miglorini is willing to set up tours by appointment to view the renovations made to the former St. Roch's church.

Alderman Ptak asked to delay the vote regarding new computer hardware and software from Tyler Technologies at this time. The issue will be added to the August 13, 2013 agenda allowing more time for price negotiation.

Moved by Alderman Reynolds and seconded by Alderman Ptak to place a half page advertisement in the Starved Rock Country Magazine for \$500.

**ROLL CALL:** AYE: Alderman Demes, Bacidore, Ptak, Reynolds, Lavieri, Duncan, Herndon, Schneider. NAY: None. Absent: None **Motion carried. 8- 0**

### **ORDINANCES/RESOLUTIONS**

Moved by Alderman Ptak and seconded by Alderman Herndon to accept and place on file **Ordinance No. 2453** appropriating for all corporate purposes for the City of La Salle, La Salle County, Illinois for the Fiscal Year beginning May 1, 2013 and ending April 30, 2014 and related matters. Each and every alderman has a copy.

**ROLL CALL:** AYES: Alderman Demes, Bacidore, Ptak, Reynolds, Lavieri, Duncan, Herndon, Schneider. NAYS: None. Absent: None. **Motion carried. 8- 0**

**Ordinance No. 2453: An ordinance appropriating for all corporate purposes for the City of La Salle, La Salle County, Illinois for the Fiscal Year beginning May 1, 2013 and ending April 30, La Salle, La Salle County, Illinois.**

**APPROVAL OF BILLS**

Moved by Alderman Ptak and seconded by Alderman Lavieri that bills submitted totaling \$600,662.35 (Total Payroll \$153,289.17, Bills to be paid \$129,855.34, Total Bills Paid \$317,517.84) be accepted, paid and placed on file. Each and every alderman has a copy.

**ROLL CALL:** AYE: Alderman Demes, Bacidore, Ptak, Reynolds, Lavieri, Duncan, Herndon, Schneider. NAY: None. Absent. **Motion carried. 8- 0**

**COMMENTS**

Mayor Grove thanked Police Chief Uranich and all those who volunteered for the Cops for Cancer parade and fundraiser.

Superintendent of Public Works, Sam McNeilly asked the press to remind the public that the Sidewalk Program is beginning and manpower will be short, therefore branch pick-up may fall back a bit.

Economic Director, Don Aleksy, reminded everyone of a meeting on August 1, 2013 with the DNR and Iowa Railway regarding a potential pedestrian bridge to access the canal.

**ADJOURNMENT**

Moved by Alderman Reynolds and seconded by Alderman Schneider to adjourn the meeting. Voice vote, all ayes: motion is carried.

**ADJOURNED 7:48 p.m.**

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Carrie Brown, City Clerk