

**MINUTES OF THE REGULAR MEETING
OF THE LA SALLE CITY COUNCIL
May 15, 2023**

**A regular meeting of the La Salle City Council of La Salle, Illinois was held,
Monday, May 15, 2023, at 6:30 p.m. with Mayor Jeff Grove presiding with proper
notices being duly and continuously posted.**

The meeting was called to order at 6:57 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present - Mayor Grove, Aldermen Bacidore, Thompson, Ptak, Reynolds, Lavieri, Jeppson, Crane, Herndon

Absent - None

A quorum was present.

Others Present: Finance Director John Duncan, Deputy Clerk Brent Bader, City Attorney Jim McPhedran, Econ. Dev. Director Curt Bedei, Fire Chief Jerry Janick, City Treasurer Virginia Kochanowski, Police Chief Mike Smudzinski, City Engineer Brian Brown

APPROVAL OF MINUTES

Moved by Alderman Reynolds and seconded by Alderman Bacidore to approve the Minutes of the Regular City Council meeting held May 1, 2023. Each and every alderman has a copy.

Voice vote, all ayes. Motion carried.

Moved by Alderman Ptak and seconded by Alderman Lavieri to go out of order on the minutes to go to DISCUSSION AND POTENTIAL ACTION ON THE FOLLOWING ADDITIONAL ORDINANCES/RESOLUTIONS.

ROLL CALL

AYE: Aldermen Bacidore, Thompson, Ptak, Reynolds, Lavieri, Jeppson, Crane, Herndon

NAY: None **Absent:** None **Abstain:** None

MOTION CARRIED: 8-0

**DISCUSSION AND POTENTIAL ACTION ON THE FOLLOWING ADDITIONAL
ORDINANCES/RESOLUTIONS:**

Deputy Clerk Bader began the discussion in regards to the ordinance amending LaSalle City Code establishing further rules concerning regulation of Public Comment.

Bader stated that he was asked to review ordinances in other communities as relates to public comment, comparing it to the LaSalle's. The current city ordinance does not have a whole lot of references to public comment. When looking at Peru, Oglesby, Spring Valley, Utica, and Ottawa, they each have public comment portions of their code of ordinances specifically as relates to city council meetings all of those public comment. The references in the ordinance are pretty consistent in what they regulate, and they vary based on length of time. They all limit the number the amount of time that an individual can speak as well as public comment list as a whole. All the ordinances detail, not allowing threatening or disorderly conduct or vulgar comments. The city ordinance that is being discussed tonight is going to limit public comment for an individual to five minutes, and as a whole public comment would be limited to 45 minutes. Bader stated that this would bring the city ordinance in line with what he believes to be the looser ordinances that he looked at. He stated that it is less restrictive than Peru, which limits public comment for an individual to three minutes, with a 30-minute maximum for public comment. Spring Valley's ordinance was the most similar to LaSalle's and it was described the least. However, in Spring Valley's ordinance the limited public comment for an individual to two minutes. Oglesby and Ottawa's were similar to LaSalle's proposed ordinance with five minutes for an individual, 45 minutes for a whole. Bader mentioned that many of the ordinances also limited specifically if there was a larger topic of discussion that multiple residents that arrived to attend, that they would ask the residents to pick a spokesman to address the council as one individual, or limit how many people can talk about one topic. That is not in this ordinance. Some ordinances also had pre-registrations, whether it's emailing the council in advance or having them sign a form at City Hall to put their name and address down. That is also not in this ordinance. Bader believes that this amendment to the ordinance will bring the city up to modern standards by local comparisons.

Alderman Thompson did have some issues with a couple parts with the wording. After speaking with Mr. Bader, Mr. Duncan, and Attorney McPhedran, he went from completely opposed to this ordinance to just some minor wording things that if they remain in he will not support it. There are a couple things that he believes that could be stricken and not affect the gross majority of what is in the ordinance. He does agree with the time limits. There are a couple things he does not agree with. In Section H, he wants to remove "shall be expected to conform to conventional standards of decorum." He feels that it's so arbitrary and it doesn't need to be in there. He feels that if that is stricken and leave "shall refrain from making vulgar, insulting or inappropriate remarks," it keeps the essence of the idea but left in he thinks it is arbitrary and it doesn't need to be in there. He continued by stating, "...continuing the city or any member of the audience. Each speaker must maintain civility". He would like to strike "must maintain civility". He believes that to be also an arbitrary term. He stated that somebody then gets to make that determination and it better be fair, and that includes every member of the sitting Council. He mentioned

that he would be one of them that may overstep the civility bounds at times when he gets heated on a topic. He restated how it's only a handful of words from holding in up to agree. He would want to strike "each speaker must maintain civility". He stated that you can't give an example of civility. He also believes "obscene" is an arbitrary word but agrees with leaving in "threatening." He said he will not vote on the ordinance in its current form. Alderman Crane asked if he would vote on it without those terms and Alderman Thompson said he would vote for it. Alderman Crane said he thinks its important for residents to speak to the Council and doesn't like comparing themselves to other cities as we "do things are own way." Crane said he's undecided and the more conversation had the better. He said he would like to see a discussion about ordinances before they are brought to the Council for a vote. Deputy Clerk Bader said he wanted to clarify for the record that he reviewed Peru, Spring Valley, Ottawa, Oglesby and Utica came from their City websites and there is the possibility the websites may not reflect the current ordinances if they have been updated but their websites haven't been. Mayor Grove said he thinks "obscene" is very obvious and Thompson does not believe that's enough to get thrown out. Mayor Grove said his other issues are reasonable but if someone is going to " flip me off, or moon me, or flash me that's very obscene." Alderman Thompson said there are laws already dealing with that and Mayor Grove said others may just consider if freedom of speech. Alderman Jeppson said he's fine with the Ordinance as written. Alderman Bacidore said he doesn't see why people don't have to be civil and mentioned people "hollering" at the Police and Fire chief. Thompson reiterated his points and City Attorney McPhedran said he understands Alderman Thompson's opinion. Alderman Thompson and Bacidore continued a conversation over the word "obscene." Alderman Crane asked who would determine cutting a speaker off whether it's the Mayor or Chairman or full Council. Attorney McPhedran said the ordinance allows for either one. Mayor Grove said he would want the Council's opinion and would take a vote on the matter.

Moved by Alderman Jeppson and seconded by Alderman Bacidore to approve the ordinance amending LaSalle City Code establishing further rules concerning regulation of Public Comment.

ROLL CALL

AYE: Aldermen Bacidore, Ptak, Reynolds, Lavieri, Jeppson, Herndon, Crane

NAY: Alderman Thompson **Absent:** None **Abstain:** None

MOTION CARRIED: 7-0

Alderman Crane said he supports Public Comment but does think there needs to be regulations.

Moved by Alderman Ptak and seconded by Alderman Reynolds to approve the ordinance making transfers of amounts appropriated from one corporate purpose to another corporate purpose.

ROLL CALL

AYE: Aldermen Bacidore, Thompson, Ptak, Reynolds, Lavieri, Jeppson, Crane, Herndon

NAY: None **Absent:** None **Abstain:** None

MOTION CARRIED: 8-0

DISCUSSION AND POTENTIAL ACTION ON THE FOLLOWING PETITIONS:

Moved by Alderman Lavieri and seconded by Alderman Jeppson to approve the requests from Ameren to break ground at:

- 13 Heather Court to replace a broken electrical pedestal.
- 1102 Second Street to retire gas service.

Voice vote, all ayes. Motion is carried.

Moved by Alderman Ptak and seconded by Alderman Thompson to approve the request from the Rotary Park Foundation for a Special Event Permit to allow an extension of hours for outdoor music on Saturday, May 27 and Sunday, May 28 at Pulaski Park.

Voice vote, all ayes. Motion is carried.

Dan Burke from the Rotary Club Foundation mentioned that they were just looking for an extension of hours till 10:30pm for Saturday, May 27.

ROLL CALL

AYE: Aldermen Bacidore, Thompson, Ptak, Reynolds, Jeppson, Crane, Herndon

NAY: None **Absent:** Alderman Lavieri **Abstain:** None

MOTION CARRIED: 7-0

Moved by Alderman Bacidore sent the request to Streets, Alley and Traffic Committee, two weeks from tonight following the Finance Committee, from Mary Kay Pytel of the LaSalle Township Office at 931 First Street to change one parking space in front of the building to a "15-minute Parking" space and another into a "Handicapped Parking" space.

Moved by Alderman Ptak and seconded by Alderman Reynolds to grant the request for a 2023 Raffle License from Greg Vaccaro of Citizens to Elect Greg Vaccaro.

Voice vote, all ayes. Motion is carried.

Moved by Alderman Jeppson and seconded by Alderman Reynolds to approve the request from LIV Wellness, 515 1st St., for a Special Event Permit to allow the use of city-owned property in the parking lot across from the businesses as well as a street closure on First Street from Gooding to Wright Streets.

Voice vote, all ayes. Motion is carried.

REPORTS OF CITY OFFICERS

Moved by Alderman Bacidore and seconded by Alderman Thompson to approve the Building Inspector's Report for April 2023 showing total fees collected of \$1,350 with total value of construction of \$2,246,460.

Voice vote, all ayes. Motion is carried.

Moved by Alderman Ptak and seconded by Alderman Lavieri to approve the Treasurer's Report for April 2023 showing total cash balances in LaSalle State Bank of \$13,378,462.97 and in Hometown National Bank of \$7,162,722.41.

Voice vote, all ayes. Motion is carried.

Moved by Alderman Herndon and seconded by Alderman Reynolds to approve the Monthly Police Income Report for April 2023 showing total fees collected of \$8,390.57.

Voice vote, all ayes. Motion is carried.

COMMUNICATIONS

Moved by Alderman Ptak and seconded by Alderman Reynolds to accept and place on file the Illinois Department of Revenue report showing sales tax collected for February 2023 of \$83,396.68, Home Rules Sales Tax of \$72,725.23, and Non-Home Rule Sales Tax of \$33.06 for a total of \$156,121.91. Each and every alderman has a copy.

Voice vote, all ayes. Motion is carried.

STANDING COMMITTEES

Moved by Alderman Ptak and seconded by Alderman Reynolds to approve the recommendation of the Finance Committee regarding a request for a monetary donation of \$3,000 to the Illinois Small Business Development Center.

ROLL CALL

AYE: Aldermen Bacidore, Thompson, Ptak, Reynolds, Lavieri, Jeppson, Crane, Herndon

NAY: None **Absent:** None **Abstain:** None

MOTION CARRIED: 8-0

Moved by Alderman Ptak and seconded by Alderman Reynolds to approve the recommendation of the Finance Committee regarding a request from Juan Torres Pomales of Citos Automotive, LLC for a Redevelopment Incentive Program Grant totaling \$4,147.50 for premises located at 503 Third Street.

ROLL CALL

AYE: Aldermen Bacidore, Thompson, Ptak, Reynolds, Lavieri, Jeppson, Crane, Herndon

NAY: None **Absent:** None **Abstain:** None

MOTION CARRIED: 8-0

Alderman Ptak stated that the Finance Committee was going to table the recommendation regarding a request from Christi Pasieka of Starved Rock Rentals for a Redevelopment Incentive Program grant totaling \$12,500 for premises located at 552 First Street. The committee is waiting on another bid.

Moved by Alderman Ptak and seconded by Alderman Lavieri to approve the recommendation of the Finance Committee to accept the bid award of \$861,581 for Scope 1A, 1B, 1C, 1D, and Scope 3 to Vissering Construction Company and bid award of \$751,250 for scope 2 and Scope 4 to Tieman Builders Inc. for the 2023 New Public Works Facility project. This is subject to the signing of the company contracts.

ROLL CALL

AYE: Aldermen Bacidore, Thompson, Ptak, Reynolds, Lavieri, Jeppson, Crane, Herndon

NAY: None **Absent:** None **Abstain:** None

MOTION CARRIED: 8-0

Moved by Alderman Ptak and seconded by Alderman Reynolds to approve the recommendation of the Finance Committee and to accept the bid regarding installation of an iFiber line to the new Public Works Facility.

ROLL CALL

AYE: Aldermen Bacidore, Thompson, Ptak, Reynolds, Lavieri, Jeppson, Crane, Herndon

NAY: None **Absent:** None **Abstain:** None

MOTION CARRIED: 8-0

Alderman Bacidore mentioned the discussion from Streets, Alleys, and Traffic committee in regards to the request from Diane Knafelc to change 3-hour parking sign to 15 minutes on the east side of Wright Street between First Street and the alley. He stated how the committee recommended using the alley on the north side of their building for two weeks. They are welcome to come back after and discuss again if this does not help them out.

OLD BUSINESS

Moved by Alderman Herndon and seconded by Alderman Lavieri to authorize Pay Request #2 for Vissering Construction Company totaling \$142,395.92 for work completed to date on WTP Improvements 2022 project.

ROLL CALL

AYE: Aldermen Bacidore, Thompson, Ptak, Reynolds, Lavieri, Jeppson, Crane, Herndon

NAY: None **Absent:** None **Abstain:** None

MOTION CARRIED: 8-0

Moved by Alderman Herndon and seconded by Alderman Reynolds to authorize Pay Request #7 for Vissering Construction Company totaling \$36,273.60 for work completed to date on Aerobic Digester Conversion project.

ROLL CALL

AYE: Aldermen Bacidore, Thompson, Ptak, Reynolds, Lavieri, Jeppson, Herndon, Crane

NAY: None **Absent:** None **Abstain:** None

MOTION CARRIED: 8-0

Alderman Crane asked about the straw vote that was done a few months ago in regards to some sampling. The Sierra Club gave us some recommendations on contractors for interior wipe sampling. The City did reach out to one of the contractors but this contractor has now fallen injured. Alderman Crane was just curious as to the City's status on this straw vote/ratification that took place a few months ago.

Alderman Thompson mentioned that he was the one that was taken care of this matter. He did not receive a response from the second contractor and Thompson has not followed up on any more since then. He did speak with Mila Marshall from the Sierra Club and he mentioned that the Chicago Chapter has now become involved in this matter. They are trying to work something out with air quality. Deputy Clerk Bader mentioned that they will be sending out two different letters with hopefully a response from one of them. If Sierra Club does not receive a response, they will be contacting the City. Alderman Thompson stated that he will move forward if the Sierra Club does not receive that response but will be waiting to see first what they hear. Bader mentioned that Mila Marshall is trying to discuss with State and Federal agencies the need for indoor air testing.

NEW BUSINESS

Deputy Clerk Bader asked for a straw vote for a mobile food vendor application for Rodeo Tacos. This straw vote would be pending their ability to pay the application fee, as well as pass a background check. This is coming to the council as a straw vote because the first event will be June 2nd at the Hegeler Carus Mansion. He is asking for the straw vote tonight, instead of May 30th, so the company can prepare for the event if the council decides to accept this proposal.

All aldermen were in agreeance to this straw vote and the ratification will be on the May 30th meeting agenda.

City Engineer Brian Brown wanted to mention to the Mayor that the city received hourly rates from two local contractors to do some inlet repairs. They received rates from John Pohar and Sons and Universal Asphalt. The finance committee did discuss this and Brown is asking for a straw vote to allow this work to begin. The work will be split

between both contractors. All alderman were in agreeance to this straw vote to get the work started as soon as possible. This ratification will be on the meeting's agenda.

Alderman Herndon mentioned to Brown how impressed he was of the Hegeler Park project. Brown mentioned how many improvements and benefits the city is seeing. He mentioned how they were trying to get to 23,000 gallons per minute and they are currently up to 30,000 gallons per minute.

COMMENTS

Resident Jamie Hicks spoke in regards to the timing of the ordinance that was discussed tonight. He mentioned how the city talked about being different than other cities but the city is now comparing themselves to other cities. Hicks believes there needs to be order in the city council meetings. He does believe that it needs to be on both sides. He does not agree with some things that he has done during these meetings, along with others maybe not agreeing what they have said either. He stated how the fire has been a touchy subject and there are things that could be said or done in the heat of the moment. Hicks was wondering what will happen if they are not in violation. He is curious if someone could be arrested for saying a bad word. He questioned if someone will be escorted out or told to sit down. Hicks asked if this was Mayor's idea and Mayor Grove stated that it was his idea. Hicks asked if the city could livestream the meetings since the council chambers is already being recorded on security cameras. He asked why the city is so backdated with technology. Hicks believes that this ordinance is taking away from people's freedom of speech. He does agree that others should not be attacking each other, but he felt the fire was a touchy subject. He feels that the timing of this ordinance looks bad and the city is hiding something. Hicks asked for a copy of the ordinance. Deputy Clerk Bader provided him with a copy.

Alderman Crane stated that this ordinance is there if the council needs it. He doesn't believe that the council will be clocking the speaker, especially if the council and others are getting somewhere with a topic and having a good discussion.

Alderman Lavieri does believe that the council will give those speaking some sort of warnings.

Deputy Clerk Bader mentioned that the council could fine tune how he could advise them when someone is getting close on their time.

Resident Pat Walters thanked Attorney McPhedran for speaking at the town hall meeting for the residents and his impassioned plea that they do the right thing by the residents with regard to paying for the damages. She mentioned how there was one thing that came out from the Ohio fire was that the railroad company is now going to be giving people the differential between what their properties were worth before the fire and afterwards. She feels that this needs to be brought to Carus. Walters mentioned how Katie Troccoli has spoken at a couple city meetings in the past and she is

Chairman of the Government Affairs Committee and she is Lance Yednock's aunt. She mentioned as a matter of disclosure, they will be bringing this discussion up with the Illinois realtors. She is obligated to tell buyers information even if it is not properly listed on the paperwork. She knows this will now be an issue for any house on the east end of La Salle. She mentioned how she asked Carus direct questions and all they were saying is what EPA said. She feels that their response is like the same thing as saying you don't believe the residents. Walters believes that one has to believe and test to find out that it was or wasn't. She hopes the city falls on the right end of this.

Walters asked Alderman Thompson if he was talking about air testing or house testing. He mentioned how air monitors was what the discussion was but the city did expand on that. The city did not want to step on what the Sierra's Club currently doing. The city was also not aware that the Chicago Chapter was taking over. The city is just waiting on what comes, if any, of Sierra Club's progress before they may any other moves.

Walters stated that the EPA and the IEPA made their determination on January 17, six days after the fire before any test results were in and after Carus told them that there was only potassium permanganate.

Hicks confirmed that the Sierra Club is taking over the air monitors.

Alderman Thompson stated that he was thrown a curveball when the number one person that was recommended for the sampling shattered his knee or hip. He was really interested and wanted to help. His company is also unable to help out with this. This part for the city is now on the back burner until they see what comes from the Sierra Club.

Pat Walters' other concern was that she was told by the EPA that it is naturally occurring in the soil. If this is true, then it is not only naturally occurring in LaSalle, but she would assume its naturally occurring in Peru and Oglesby. She believes there needs to be a test group to prove or disprove a lot of it.

Alderman Thompson mentioned how he did receive a call back from Mr. Peruba, from Carus, and they will be meeting Wednesday at 3 p.m. at the fire station with Fire Chief Janick and Mr. Duncan. They will be meeting with one of Carus' main insurance companies.

Chris Vaske, Treasurer for the LaSalle Rotary Park Foundation, along with Dan Burke and Steve Westerman, presented the city with a check for \$5,000 for the past two events that the Foundation has had the last couple years. Dan Burke spoke about the upcoming event which will be held Memorial Day weekend at Pulaski Park. The Saturday headliner will be "Heartless".

EXECUTIVE SESSION

Regarding pending and/or potentially imminent litigation and related matters: Collective bargaining and related matters, and acquisition and/or sale of city real estate and related

matters and the employment, discipline, appointment, performance and/or compensation of non-union and/or union personnel and related matters pursuant to the Open Meetings Act including 5-ILCS 120 Section 2(c)1-2,5,6,11 thereof.

APPROVAL OF BILLS

Moved by Alderman Ptak and seconded by Alderman Lavieri to approve the bills from May 1, 2023: Total Submitted: \$783,886.84 (Total Payroll \$191,645.70, Bills to be Paid \$304,135.93, Total Bills Paid \$288,105.21).

ROLL CALL

AYE: Aldermen Bacidore, Thompson, Ptak, Reynolds, Lavieri, Jeppson, Herndon, Crane

NAY: None **Absent:** None **Abstain:** None

MOTION CARRIED: 8-0

Moved by Alderman Reynolds and seconded by Alderman Crane to adjourn the meeting.

Voice vote, all ayes. Motion is carried.

ADJOURNED

7:43

pm

A handwritten signature in black ink, reading "Amy Quinn". The signature is written in a cursive, flowing style.