

**MINUTES OF THE REGULAR MEETING  
OF THE LA SALLE CITY COUNCIL  
September 9, 2019**

**A regular meeting of the La Salle City Council of La Salle, Illinois was held Monday, September 9, 2019 at 6:30 p.m. with Mayor Grove presiding and Tom Ptak as Mayor Pro-Tem with proper notice being duly and continuously posted.**

The meeting was called to order at 6:30 p.m.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**Present-** Alderman Demes, Bacidore, Ptak, Reynolds, Lavieri, Jeppson, Herndon, Crane

**Absent:** None

A quorum was present.

**APPROVAL OF MINUTES**

Moved by Alderman Demes and seconded by Alderman Reynolds to accept and place on file minutes of the August 26, 2019 Regular City Council meeting. Each and every alderman has a copy.

Voice vote, all ayes. Motion carried.

**PETITIONS**

Moved by Alderman Ptak and seconded by Alderman Lavieri to accept the recommendation of the Finance City to deny the request for a monetary sponsorship from the Illinois Valley Community Hospital Fall Fitness 5K Race Committee for the 10<sup>th</sup> Annual Fall Fitness 5K being held on Saturday, October 12, 2019 with proceeds to benefit the IVCH foundation. Each and every alderman has a copy.

**ROLL CALL:** AYE: Alderman Demes, Bacidore, Ptak, Reynolds, Lavieri, Jeppson, Herndon, Crane

NAY: None Absent: None Abstain: None

**Motion Carried 8-0**

Moved by Alderman Demes and seconded by Alderman Reynolds to grant the request of the St. Margaret's Foundation for a 2019 Raffle License. Each and every alderman has a copy.

Voice vote, all ayes. Motion carried.

Moved by Alderman Lavieri and seconded by Alderman Crane to grant the request of La Salle Peru High School to hold the annual Homecoming Parade on Thursday, September 26, 2019 at 4:00 p.m. beginning at City Park in Peru and proceeding east along Route 6 into La Salle, south on Bucklin and east along First Street. Each and every alderman has a copy.

Voice vote, all ayes. Motion carried.

Moved by Alderman Lavieri and seconded by Alderman Jeppson to refer the petition of Marcus Regan for a rear yard setback variance from 25' to 5' for the construction of a 20' x 19.5' garage for premises located at 431 Lindberg Road to the Zoning Board of Appeals. Each and every alderman has a copy.

Voice vote, all ayes. Motion carried.

Moved by Alderman Demes and seconded by Alderman Reynolds to refer the request to review and potentially amend the Zoning Ordinance #590 to allow for the construction of accessory structures on vacant wherein there is not a residential unit in R-1 and R-2 Zoning Districts within the City of La Salle to the Planning Commission.

Voice vote, all ayes. Motion carried.

### **STANDING COMMITTEES**

Moved by Alderman Bacidore and seconded by Alderman Ptak to accept the recommendation of the Streets, Alleys and Traffic Committee to grant the request of Jeff Struna, resident of 1850 Campbell Avenue, for a "Cross Traffic Does Not Stop" sign on the stop sign located on Campbell Avenue at Garfield Avenue.

**ROLL CALL:** AYE: Alderman Demes, Bacidore, Ptak, Reynolds, Lavieri, Jeppson, Herndon  
NAY: Alderman Crane Absent: None Abstain: None

**Motion Carried 7-1**

Economic Development Director Katherine Koyak reviewed recommendations and suggestions compiled by the Economic Development Committee in regard to possible amendments to the Mobile Food Vendor Ordinance.

**Suggestions included are broken down into two parts.**

#### **Part 1 – Private Parties and Special Events**

- Allowing Mobile Food Vendors to operate at private parties and at special events.
- A \$500 annual permit fee which could be further considered by the Licensing Committee if the Council deemed that necessary or the council could agree on a fee without it going to committee.
- Mobile Vendors participating in Special Events/Private Parties would be required to obtain the annual permit, but also pay any fees associated with participating as a vendor for the event itself.

Ms. Koyak then reviewed definitions which included the following:

- A private party would be defined as an event when an individual pays a fee to a Mobile Food vendor to provide food at a private event. The guests at this event would not pay for food. This would occur in a private location or in a public location (with the City's permission.) If a private party is held in a City Park, a mobile food vendor would not be allowed to sell to the public.
- The definition would also specify that a private party is also an event where a Mobile Food vendor is hired and utilized at a private event held by a business, at their location, for their employees. Food could not be sold to the public. The City would need to be notified if the business is within the business district/8<sup>th</sup> Street. A signed contract with the vendor must be presented to the City.
- A Special Event is defined as any event within the City, such as Celebrate La Salle, LBA Events or block parties where 75 or more people are in attendance, is publicized by the City, streets are closed, etc. A Mobile Vendor would be allowed to sell at these types of events.

The event at the Carus Mansion would be grandfathered in and qualify as a Special Event because it attracts more than 75 people. In this situation, they would be allowed to sell to the public.

A Mobile Food Vendor must be affiliated with an event and must pay the \$500 suggested permit fee. Mayor Grove questioned how another food vendor would be prevented from showing up at an event and setting up. Attorney McPhedran stated that the vendor would need to be affiliated with the event in order to operate as part of a Special Event and the permit for the event would need to be displayed.

Permit Fee Exceptions:

- If a brick and mortar restaurant in La Salle also acts as a Mobile Food Vendor for City Special Events only and do not serve private events or operate outside of that Special City Event, they are excluded from paying the permit fee. However, if they choose to contract private parties or events, the permit fee must be paid. This would apply to businesses such as Mickey's Massive Burrito, Jake's, etc. They would also be required pay any fees required to rent space to operate during that event.

## **Part 2- Suggested Recommendations in regard to Food Vendors within the Business District:**

Mobile Food vendors within the Business District must have a written agreement with a brick and mortar business who has a current liquor license. Mobile Food Vendors may operate on public or private property twelve times a year per location and sell food to the public, any day of the week, excluding First Street from Bucklin to Hennepin.

Alderman Herndon suggested that all of First Street is included, from railroad to railroad, as well as the 8<sup>th</sup> Street Business District.

Mayor Grove asked if the twelve times per year is per vendor or per location. It was confirmed that the intention is for a brick and mortar to be able to have a single mobile food vendor operating 12 times a year. Alderman Ptak stated that the committee felt it was important to protect the brick and mortar businesses downtown, but also to allow food vendors to come in as there is a desire to add this type of service. Mayor Grove and Alderman Crane stated that they had concerns that the City would be protecting First Street, but not businesses on Second Street, such as Rosati's. Mayor Grove used the example of Sportsman's Tap who is on Second and Gooding. They do not sell food, but based on the committee's suggestions, Sportsman's Tap in essence could have a Mobile Food Vendor who sells pizza set up feet from Rosati's. Alderman Ptak stated that this was true, but would hope the businesses would cooperate with each other. It was suggested that some wording is included in the ordinance that prevents a food truck from operating within so many feet of a business that serves food. Attorney McPhedran stated that the City of Chicago stipulates 500 feet, the aldermen suggested possibly 200 or 300 feet.

Brief discussion followed regarding the desire to protect the downtown businesses, while also respecting that competition is part of the free enterprise system.

Alderman Demes stated that many restaurants and taverns are struggling and he wondered what business would be the sacrificial lamb. Brief discussion followed regarding the expenses absorbed by businesses and how food trucks being charged a minimal fee to operate could potentially affect those businesses.

*The following motion was made in regard to allowing Mobile Food Vendors to operate at private parties and Special Events. The motion passed.*

Moved by Alderman Crane and seconded by Alderman Jeppson to accept the recommendation of the Economic Development Committee to draft an ordinance that allows those items suggested in Part 1 as read by Katherine Koyak and pertains to Special Events and Private Parties.

**ROLL CALL:** AYE: Alderman Ptak, Lavieri, Jeppson, Crane NAY: Alderman Demes, Bacidore, Reynolds, Herndon Absent: None Abstain: None

4-4

**Mayor Grove voted Aye to break the tie.**

**Motion Carried 5-4**

*The next motion was in regard to Mobile Food Vendors operating in the Business District which was expanded from the original area presented by Ms. Koyak to include both sides of Third Street south to First Street from railroad to railroad and in the 8<sup>th</sup> Street Business District from Joliet Street to Sterling Street. The motion failed. By not passing, this would also eliminate Mobile Food Vendors operating within the business district if they had an agreement with a business owner who carried a liquor license as was recommended in Part 2 of suggestions read by Katherine Koyak.*

Moved by Alderman Jeppson and seconded by Alderman Crane to accept the recommendation of the Economic Development Committee to draft an ordinance that allows those items suggested in Part 2 as read by Katherine Koyak within the Business District which is defined as both sides of Third Street south to First Street from railroad to railroad and 8<sup>th</sup> Street Business District from Joliet to Sterling.

**ROLL CALL:** AYE: Alderman Ptak, Lavieri, Jeppson, Crane NAY: Alderman Demes, Bacidore, Reynolds, Herndon Absent: None Abstain: None

4-4

Mayor Grove voted Nay.

**Motion Failed 4-5**

Attorney McPhedran stated that all of these motions will need to be voted on again once they are drafted in ordinance form.

Attorney McPhedran stated that if the decisions of the council were to be challenged, he stated that the council would have a better opportunity to be viewed favorably if there is an opportunity for this type of business to operate somewhere within the City at certain places or times.

The following motion pertained to Mobile Food Trucks operating in areas outside of the previously defined Business District. The motion carried.

Moved by Alderman Demes and seconded by Alderman Bacidore to accept the recommendation of the Economic Development Committee to allow Mobile Food Vendors to operate in non-Business district areas within the City of La Salle, 12 times a year providing the Mobile Food Vendor is working in conjunction with a specific business that holds a Class A or a Class C Liquor License.

**ROLL CALL:** AYE: Alderman Ptak, Lavieri, Jeppson, Herndon, Crane NAY: Alderman Demes, Bacidore, Reynolds Absent: None Abstain: None

**Motion Carried 5-3**

**Mayor Grove voted Aye.**

*The following motion pertained to Mobile Food Trucks operating at non-profit organizations who have a Class D Liquor License and are located outside of the Business District. The motion carried.*

Moved by Alderman Lavieri and seconded by Alderman Herndon to allow one Mobile Food Vendor to operate at non-profit organizations who hold a Class D Liquor License and are located outside of the Business District up to 52 times per year on their own property.

**ROLL CALL:** AYE: Alderman Bacidore, Ptak, Reynolds, Lavieri, Jeppson, Herndon, Crane  
NAY: Alderman Demes Absent: None Abstain: None

**Motion Carried 7-1**

Mayor Grove stated that would have voted Nay as he thinks 12 times a year is sufficient.

*The following motions pertained to the permit fee to be charged to a Mobile Food Vendor. A \$600 fee annual fee per vendor passed.*

Moved by Alderman Demes that the permit fee for Mobile Food Vendors is \$1,500 per vendor. The motion failed for lack of a second.

Moved by Alderman Lavieri and seconded by Alderman Jeppson that the annual license for a Mobile Food Vendor is \$600 per vendor.

**ROLL CALL:** AYE: Alderman Bacidore, Ptak, Reynolds, Lavieri, Jeppson, Herndon, Crane  
NAY: Alderman Demes Absent: None Abstain: None

**Motion Carried 7-1**

Alderman Lavieri moved that all of the above motions are to be valid for a one year trial period. The motion failed for lack of a second.

Attorney McPhedran stated again that all of the motions made this evening will need to be voted on again once ordinances are in final form. Mayor Grove requested that five separate ordinances are drafted.

**7:32 p.m.** Moved by Alderman Lavieri and seconded by Alderman Reynolds to appoint Tom Ptak as Mayor Pro-Tem for the remainder of the meeting in the absence of Mayor Grove.

**ROLL CALL:** AYE: Alderman Demes, Bacidore, Ptak, Reynolds, Lavieri, Jeppson, Herndon, Crane

NAY: None Absent: None Abstain: None

**Motion Carried 8-0**

### **OLD BUSINESS**

Moved by Alderman Herndon and seconded by Alderman Reynolds to authorize, pay, and place on file Pay Request #1 & Final to Pavement Maintenance Services, Inc. totaling \$69,932.26 for the 2019 Oil & Chip Program. Each and every alderman has a copy.

**ROLL CALL:** AYE: Alderman Demes, Bacidore, Ptak, Reynolds, Lavieri, Jeppson, Herndon, Crane

NAY: None Absent: None Abstain: None

**Motion Carried 8-0**

Moved by Alderman Reynolds and seconded by Alderman Demes to authorize, pay and place on file Pay Estimate #3 to Universal Asphalt & Excavating, Inc. totaling \$207,912.50 for the Hegeler Park Sewer Separation project. Each and every alderman has a copy.

**ROLL CALL:** AYE: Alderman Demes, Bacidore, Ptak, Reynolds, Lavieri, Jeppson, Herndon, Crane

NAY: None Absent: None Abstain: None

**Motion Carried 8-0**

Moved by Alderman Demes and seconded by Alderman Reynolds to authorize, pay and place on file Pay Estimate #2 to Universal Asphalt & Excavating, Inc. totaling \$301,159.22 for the 2019 MFT Road Improvement Project. Each and every alderman has a copy.

**ROLL CALL:** AYE: Alderman Demes, Bacidore, Ptak, Reynolds, Lavieri, Jeppson, Herndon, Crane

NAY: None Absent: None Abstain: None

**Motion Carried 8-0**

**NEW BUSINESS**

Moved by Alderman Demes and seconded by Alderman Reynolds to accept proposal from Tieman Builders, Inc. for the removal and replacement of 5 casement windows at the Fire Station totaling \$13,100. Each and every alderman has a copy.

**Quotes: Tieman Builders, Inc.  
\$13,100  
Brian Spelich General  
Contracting \$20,158.20.**

It was moved by Alderman Crane and seconded by Alderman Herndon to refer a request from Lindsay Catalenello, resident of 1545 N. Joliet, for No Parking on the south side of Walnut Street to the Streets, Alleys and Traffic Committee. The resident indicated the school bus has a hard time making the turn from N. Joliet onto Walnut Street.

Voice vote, all ayes. Motion carried.

**The Streets, Alleys and Traffic Committee will meet on September 23, 2019 at 6:15 p.m.**

Alderman Demes recognized the LBA and thanked all who participated in the BBQ n Blues and Jazz N the Streets events this past weekend.

**ORDINANCES/RESOLUTIONS**

Moved by Alderman Bacidore and seconded by Alderman Reynolds to approve and place on file **Ordinance 2838:** An Ordinance Further Regulating Parking within the City of La Salle on a portion of Lindberg Road from 466 Lindberg Road to Gooding Street. Each and every alderman has a copy.

**ROLL CALL:** AYE: Alderman Bacidore, Ptak, Reynolds, Lavieri, Jeppson, Herndon, Crane

NAY: Alderman Demes Absent: None Abstain: None

**Motion Carried 7-1**

**Ordinance 2838: An Ordinance  
Further Regulating Parking  
within the City of La Salle on a  
portion of Lindberg Road from  
466 Lindberg Road to Gooding  
Street.**

**Alderman Demes stated that he voted nay because he does not think because of one person parking should be changed on a block.**

Moved by Alderman Demes and seconded by Alderman Reynolds to approve and place on file **Ordinance 2839:** An Ordinance Authorizing Variance Concerning Premises as requested by Adan Estrada regarding premises at 535 Todd Street within the City of La Salle. Each and every alderman has a copy.

**ROLL CALL:** AYE: Alderman Demes, Bacidore, Ptak, Reynolds, Lavieri, Jeppson, Herndon, Crane

NAY: None Absent: None Abstain: None

**Motion Carried 8-0**

**Ordinance 2839: An Ordinance Authorizing Variance Concerning Premises as request by Adan Estrada premises at 535 Todd Street within the City of La Salle.**

Moved by Alderman Demes and seconded by Alderman Jeppson to approve and place on file **Ordinance 2840:** An Ordinance Amending the Municipal Code of the City of La Salle by the City of La Salle by the Adoption an on Amendment to Chapter 34: Finance and Revenue Imposing a Municipal Cannabis Retailers' Occupation Tax. Each and every alderman has a copy.

**ROLL CALL:** AYE: Alderman Demes, Bacidore, Ptak, Reynolds, Jeppson, Herndon, Crane

NAY: Alderman Lavieri Absent: None Abstain: None

**Motion Carried 7-1**

**Ordinance 2840: An Ordinance Amending the Municipal Code of the City of La Salle by the City of La Salle by the Adoption an on Amendment to Chapter 34: Finance and Revenue Imposing a Municipal Cannabis Retailers' Occupation Tax.**

**COMMENTS**

There were no public comments.

**APPROVAL OF BILLS**

Moved by Alderman Lavieri and seconded by Alderman Demes that bills totaling \$748,680.30 (Total Payroll \$ 179,154.95, Total Bills Paid \$569,525.35) be accepted, paid and placed on file. Each and every alderman has a copy.

**ROLL CALL:** AYE: Alderman Demes, Bacidore, Ptak, Reynolds, Lavieri, Jeppson, Herndon, Crane

NAY: None Absent: None Abstain: None

**Motion Carried 8-0**

Moved by Alderman Crane and seconded by Alderman Reynolds to adjourn the meeting. Voice vote, all ayes. Motion is carried.

**ADJOURNED 7:43 p.m.**



Carrie Brown, City Clerk