

**MINUTES OF THE REGULAR MEETING
OF THE LA SALLE CITY COUNCIL
November 18, 2019**

A regular meeting of the La Salle City Council of La Salle, Illinois was held Monday, November 18, 2019 at 6:30 p.m. with Mayor Jeff Grove presiding 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 the minutes of the November 4, 2019 Regular City Council meeting. Each and every alderman has a copy.

Voice vote, all ayes. Motion carried.

PETITIONS

Moved by Alderman Lavieri and seconded by Alderman Jeppson to grant the request from Comcast to install CATV service cable at a depth of 36" along and across Baker Avenue to provide service as requested to 510 Baker Avenue. Each and every alderman has a copy.

Voice vote, all ayes. Motion carried.

Moved by Alderman Ptak and seconded by Alderman Reynolds to grant the request from Designs and Signs for Sign Permit on behalf of Lighted Way to install a 148" x 14" illuminated, single-face wall sign at 941 Sixth Street. Each and every alderman has a copy.

Voice vote, all ayes. Motion carried.

Moved by Alderman Reynolds and seconded by Alderman Ptak to grant the request from Designs and Signs for a Sign Permit on behalf of Lighted Way to replace an existing 4' x 8' single-face, non-illuminated ground sign at 941 Sixth Street. Each and every alderman has a copy.

Voice vote, all ayes. Motion carried.

Moved by Alderman Reynolds and seconded by Alderman Bacidore to grant the request from Designs and Signs for a Sign Permit on behalf of Lighted Way to install a 5' x 5' single-face, non-illuminated wall sign at 941 Sixth Street. Each and every alderman has a copy.

Voice vote, all ayes. Motion carried.

Moved by Alderman Demes and seconded by Alderman Reynolds to grant the request from Designs and Signs for a Sign Permit on behalf of Abby Hochstatter and Angie Bontz owners of Paws on First to install a 61" x 42.5" double-faced, non-illuminated ground sign at 552 First Street. Each and every alderman has a copy.

Voice vote, all ayes. Motion carried.

Moved by Alderman Reynolds and seconded by Alderman Demes to grant the request of Rylee Bunzell for a Redevelopment Incentive Program grant totaling \$269.29 for premises located at 414 First Street. 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

REPORTS OF CITY OFFICERS

Moved by Alderman Bacidore and seconded by Alderman Reynolds to accept and place on file the Building Inspector's Report for October 2019 showing total fees collected of \$8,765.92 with total value of construction of \$1,375,230. Each and every alderman has a copy.

Voice vote, all ayes. Motion carried.

Moved by Alderman Herndon and seconded by Alderman Reynolds to accept and place on file the Monthly Police Income Report showing total fees collected of \$5,416.15. Each and every alderman has a copy.

Voice vote, all ayes. Motion carried.

COMMUNICATIONS

Moved by Alderman Ptak and seconded by Alderman Lavieri to accept and place on file the Illinois Department of Revenue Report showing sales tax collected for August 2019 of \$76,336.03 and Home Rule Sales Tax of \$66,990.92 for a total of \$143,326.95. Each and every alderman has a copy.

Voice vote, all ayes. Motion carried.

SPECIAL COMMITTEES

Moved by Alderman Lavieri and seconded by Alderman Jeppson to accept the recommendation of the Zoning Board of Appeals regarding the petition of Susan D. Sperk for a rear yard setback variance from 25' to 1 foot for the construction of a garage for premises located at 1781 Campbell Avenue. 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 Jeppson and seconded by Alderman Lavieri to accept the recommendation of the Zoning Board of Appeals regarding the petition of Brian A. Brandner and Debra M. Brandner for a side yard adjacent to street variance (corner lot) from 25' to 17' for the construction of a room addition for premises located at 101 Garfield Avenue. 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

OLD BUSINESS

NEW BUSINESS

Mayor Grove stated that the leaf vac is up and running and was out this past weekend.

Alderman Bacidore expressed some concerns that city crews running the leaf vac are having

trouble keeping up due to the large amount of leaves in certain areas. Mayor Grove the City will continue to pick up as long as the weather cooperates.

Mayor Grove announced that Celebration of Lights is now open nightly through New Years' Day. Mayor thanked all who sponsored displays, volunteers, greeters and visitors.

ORDINANCES/RESOLUTIONS

Moved by Alderman Lavieri and seconded by Alderman Jeppson to approve and place on file

Ordinance 2856: An Ordinance Authorizing Variance Concerning Premises as requested by Susan D. Sperk regarding premises at 1781 Campbell Avenue 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 2856: An Ordinance Authorizing Variance Concerning Premises as requested by Susan D. Sperk regarding premises at 1781 Campbell Avenue

Moved by Alderman Jeppson and seconded by Alderman Lavieri to approve and place on file

Ordinance 2857: An Ordinance Authorizing Variance Concerning Premises as requested by Brian A. Brander and Debra M. Brandner regarding premises at 101 Garfield Avenue 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 2857: An Ordinance Authorizing Variance Concerning Premises as requested by Brian A. Brander and Debra M. Brandner regarding premises at 101 Garfield Avenue within the City of La Salle.

DISCUSSION CONCERNING MOBILE FOOD VENDORS

Attorney McPhedran began the discussion by stating that as the public and the council is aware there has been substantial discussion concerning this issue. The public had an opportunity to express opinions at a prior open meeting regarding this topic and the council has addressed this as well and has brought forth numerous suggestions for consideration in the preparation of ordinances. The general direction and guide for the ordinances was based off of votes taken at the September 9, 2019 City Council meeting which followed the public meeting held on the topic. At this time, there are five ordinances relating to different aspects of the issue for the council's consideration this evening. Attorney McPhedran then explained each ordinance.

Ordinance #1 centers around definitions of Mobile Food Vendors, Special Events, Private Parties and Brick and Mortar Business. The ordinance also includes provisions regarding the potential allowance of Mobile Food Vendors to operate at Private Parties and Special Events.

Special Events are defined as events sponsored by the City of La Salle, the LBA and/or other events where the City has granted permission for a street to be closed, such as for a block party, etc. Special Events are also defined as having 75 or more people in attendance where the Mobile Food Vendor may sell to the public. Licensing must be obtained from the City and permit fees must be paid by the vendor. Carus Mansion's summer concert events will be considered a Special Event; however, their vendors would still be required to get licensed as a Mobile Food Vendor and pay the associated fee.

In the case of a Private Party, the individual/or entity hosting the Private Party would pay the Mobile Food Vendor directly. Food could not be sold to the public. The Mobile Food Vendor must obtain a license and pay the associated fee. Private Parties can be held anywhere in town.

Attorney McPhedran continued by saying that in September, the vote in regard to Private Parties and Special Events was close with Mayor Grove breaking the tie. He stated that it was however suggested that Private Parties and Special Events could be allowed anywhere in town.

Ordinance #2 centers around the Central Business District which was defined as the north side of Third Street to the south side of First Street and from railroad to railroad and on 8th Street from Joliet Street to Union Street. Part of the discussion at the September 9, 2019 suggested possibly allowing Mobile Food Vendors to operate in the Business District twelve times a fiscal year, at a given location, provided a written agreement was obtained from a brick and mortar business. The vote on this matter was also close. Other suggestions came up which Attorney McPhedran explained that he has included in version #2A a provision that states that even if the Mobile Food Vendor has permission from a brick and mortar business, they could not operate within 200 feet of a brick and mortar restaurant unless permission is received from that brick and mortar restaurant.

Ordinance #3 centers around the Non-Business District, which is all other areas of town outside of what was previously defined in Ordinance #2 as the Central Business District. The ordinance allows Mobile Food Vendors to work with a business in the non-business district up to twelve times a fiscal year at any given location if they have a written agreement with the said business. In addition, the business must hold a liquor license. Attorney McPhedran stated that since the September 9, 2019 meeting comments have arisen that suggested the elimination of the need for the liquor license. In Ordinance #3A, language was added to eliminate the requirement that the business hold a liquor license in order for a Mobile Food Vendor to work with a business.

Ordinance #4 centers around non-profit organizations in the Non-Business District. The original suggestion was to allow non-profits to hold an unlimited number of events with Mobile Food Vendors present if the non-profit held a Class D Liquor license. Based on recent comments, language was added to Ordinance #4A that eliminates the requirement that the non-profit hold a liquor license in order to have an event with a Mobile Food Vendor.

Ordinance #5 centers around permit fees. Discussion in September suggested an annual registration fee of \$600 for Mobile Food Vendors with the fees being pro-rated for the first fiscal year ending April 30, 2020. Ordinance #5 contains an exception for those Mobile Food Vendors who hold a brick and mortar business in La Salle who desire to participate in Special Events sponsored by the City of the LBA, but who do not have otherwise operate as a Mobile Food Vendor within the City of La Salle. In that case, they shall be exempt from registration fees. In further discussion that came up later, it was suggested that there could be consideration that the fee also be reduced for non-La Salle brick and mortar businesses who only want to participate in City sponsored Special Events. In Ordinance #5A there is language that charges a lesser fee

of \$100 for those non-La Salle brick and mortar businesses who only participate as a vendor in City of La Salle sponsored events and do not intend to otherwise operate as a Mobile Food Vendor within the City of La Salle.

Mayor Grove clarified that if a La Salle brick and mortar business (such as Mickey's Massive Burrito) wants to participate in an event such as Celebrate La Salle, they do not have to pay the \$600 fee, but do have to pay whatever the fee is to participate in the event. If a non-La Salle brick and mortar business (such as Flo's) wants to participate only in events such as Celebrate La Salle or an LBA event, they, too, would be exempt from the \$600 fee, but would be required to pay whatever fee is charged to participate in the event. However, if they decide to work in other capacities in town, at that point they would need to secure the \$600 annual permit in addition to any entrance fees associated with each individual event.

Attorney McPhedran stated that in the final version, by inner lineation he will add the Mayor's clarifications.

Mayor Grove also stated that he does not want the \$600 registration fee specified in the ordinance. He asked that we keep the fee generic so that the ordinance does not have to be amended should the council choose to raise the fee in the future. Attorney McPhedran stated that he was not aware of how we could change fees without amending the ordinance. He said at least, there would need to be a vote. Mayor Grove stated the he prefers language that refers to the fee as a "set amount determined by the City Council."

Alderman Lavieri asked if the ordinance pertaining to mobile vendors who move from place to place will remain in place. Attorney McPhedran stated that it would remain and that Mobile Food Vendors are different from vendors who do not stay in one place for more than 15 minutes. He stated that the ordinances under consideration this evening also do not apply to caterers.

Alderman Bacidore asked if we could vote to write an ordinance that prohibits Mobile Food Vendors in the downtown Business district and on 8th Street that requires all others to come to the City for approval of a permit. Attorney McPhedran stated that these ordinances were prepared based on the direction of the council and can always be amended. Mayor Grove stated that Alderman Bacidore can always make a motion if he wants to approach the topic differently.

Mayor Grove said it is important that any Mobile Food Vendor operating in the City of La Salle gets a permit. Attorney McPhedran stated that by inner lineation that point will be added as well to the ordinances. Alderman Lavieri asked if there were any penalties for non-adherence. Attorney McPhedran stated that penalties are included in Ordinance #1 and briefly reviewed the penalties which ranged from \$60-\$1,000 for each offense.

Alderman Ptak stated that after the September 9th meeting he left feeling disappointed and believed that the council is being small minded when it comes to restricting Mobile Food Vendors from operating in the downtown. He continued by stating that the City has built momentum which has taken years to do so. People want to be downtown La Salle and the City should find ways to make the pie bigger, not restrict it and make it smaller. He believes we should give people a reason to come downtown and let the free enterprise market take its course. Alderman Ptak used as an example a family that notices their favorite food truck is will be in the downtown. While visiting the food truck, they may then decide to visit certain stores and make a purchase or come back to a restaurant at another time that they did not know

existed. This creates a positive energy and restricting food trucks is a mistake. By not restricting food trucks, it helps existing businesses, it does not hurt them. Alderman Crane agreed with Alderman Ptak.

Alderman Demes disagreed with Alderman Ptak. In his view, food trucks would come to downtown La Salle because we are the only downtown in the Illinois Valley with a thriving business district. These food trucks would come during the prime times, take the money and run. He asked, "which restaurant do you want on the chopping block? He said there are established restaurants that are barely making it. Brief discussion followed about a recent event at the Camden where a mobile food vendor was present without permission or a permit.

Mayor Grove asked Alderman Ptak how families know a certain food truck will be in a certain location. Alderman Ptak said food trucks have a following through social media.

Mike Girton said there could be a potential business owner that wants to start with a food truck and see if they are successful before opening a brick and mortar and did not think we should discourage them.

Alderman Lavieri agrees with Alderman Ptak, but had concerns about parking issues in the downtown area.

Alderman Reynolds stated that if the people who have food trucks want to come here, they can start a brick and mortar business. People who spend a lot of money for brick and mortar have no protection if we allow food trucks. He stated we have lots of empty buildings on the east end of town.

Attorney McPhedran once again explained that Ordinance #1 includes various definitions and relates to allowing Mobile Food Vendors to operate at Private Parties and Special Events at any location within the City of La Salle with a permit. It also includes fines for violations of the ordinance ranging between \$60-\$1,000 for each offense and lays out an appeals process. Attorney McPhedran stated that this ordinance would allow Special Events such as Celebrate La Salle where food is sold to the public and any Private Parties where food cannot be sold to the public. By passing this ordinance, Private Parties and Special Events would be allowed anywhere in town.

Moved by Alderman Demes and seconded by Alderman Reynolds to deny (Ordinance #1)- An Ordinance Further Amending Title XI: Business Regulations of the La Salle City Code Regarding Further Regulating Mobile Food Vendors within the City of La Salle. Each and every Alderman has a copy.

ROLL CALL: AYE: Alderman Demes, Bacidore, Reynolds, Herndon

NAY: Alderman Ptak, Lavieri, Jeppson, Crane Absent: None Abstain: None

Mayor Grove broke the tie by voting Nay.

Motion Failed 5-4

Moved by Alderman Crane and seconded by Alderman Jeppson to approve and place on file to (Ordinance #1) Ordinance **2858:** An Ordinance Further Amending Title XI: Business Regulations of the La Salle City Code Regarding Further Regulating Mobile Food Vendors within the City of La Salle. Each and every Alderman has a copy.

ROLL CALL: AYE: Alderman Ptak, Lavieri, Jeppson, Herndon, Crane

NAY: Alderman Demes, Bacidore, Reynolds

Motion carried 5-3

Ordinance 2858: An Ordinance Further Amending Title XI: Business Regulations of the La Salle City Code Regarding Further Regulating Mobile Food Vendors within the City of La Salle.

Attorney McPhedran explained that Ordinance #2 would allow for the operation of Food Trucks in the Central Business District when the vendor has a written agreement with a brick and mortar business as defined in Ordinance 2857. Events would be limited to 12 times per fiscal year per location. In Ordinance #2A, there are additional provisions whereas a Mobile Food Vendor who obtained a written agreement with a brick and mortar business cannot operate within 200 feet of any brick and mortar restaurant without permission from that restaurant. The Mobile Food Vendor must register with the City prior to each event and pay registration fees.

Moved by Alderman Ptak and seconded by Alderman Jeppson to approve and place on file (Ordinance #2A): An Ordinance Further Amending Title XI: Business Regulations of the La Salle City Code Regarding Further Regulating Mobile Food Vendors within the City of La Salle. Each and every Alderman has a copy.

ROLL CALL: AYE: Alderman Ptak, Lavieri, Jeppson, Crane

NAY: Alderman Demes, Bacidore, Reynolds, Herndon

Mayor Grove broke the tie by voting Nay.

Motion failed 5-4

Attorney McPhedran explained that Ordinance #3 pertains to allowing Mobile Food Vendors operating in the non-Business District. In version #3, food vendors may operate 12 times per year in a given location where they must be registered with the City and have a written agreement with a business who holds a liquor license. In version #3A, the requirement that the business holds a liquor license is removed. There is no distance requirement in version #3A.

Moved by Alderman Ptak and seconded by Alderman Jeppson to approve and place on file to (Ordinance #3A) **Ordinance 2859:** An Ordinance Further Amending Title XI: Business Regulations of the La Salle City Code Regarding Further Regulating Mobile Food Vendors within the City of La Salle. Each and every Alderman has a copy.

ROLL CALL: AYE: Alderman Ptak, Lavieri, Jeppson, Crane

NAY: Alderman Demes, Bacidore, Reynolds, Herndon

Mayor Grove broke the tie by voting Aye

Motion carried 5-4

Ordinance 2859: An Ordinance Further Amending Title XI: Business Regulations of the La Salle City Code Regarding Further Regulating Mobile Food Vendors within the City of La Salle.

Attorney McPhedran explained that Ordinance #4 pertains to non-profit organizations located in the non-Business District who hold a Class D liquor license. Non-profits may have Mobile Food Vendors for an unlimited number of times per location. In version #4A, the requirement that the non-profit holds a liquor license is removed.

Moved by Alderman Ptak and seconded by Alderman Jeppson to approve and place on file to (Ordinance #4A) Ordinance **2860**: An Ordinance Further Amending Title XI: Business Regulations of the La Salle City Code Regarding Further Regulating Mobile Food Vendors within the City of La Salle. Each and every Alderman has a copy.

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

NAY: Alderman Demes, Reynolds

Motion carried 6-2

Ordinance 2860: An Ordinance Further Amending Title XI: Business Regulations of the La Salle City Code Regarding Further Regulating Mobile Food Vendors within the City of La Salle.

Attorney McPhedran stated that Ordinance #5 pertains to fees and is set at \$600 per year. There is an exception where a La Salle brick and mortar business who only wishes to participate in a City of La Salle event are exempt from paying the \$600 fee. If they choose to operate beyond that, they would be required to pay the \$600 fee. In version #5A, as it stands there are provisions for a Mobile Food Vendors who do not have a brick and mortar in La Salle but only desire to participate in City of La Salle events, that the annual permit fee shall be reduced to \$100 as opposed to \$600, unless they choose to operate in other capacities within the City. The permit fees are in addition to any registration fees associated with the event which must be paid by both those with brick and mortar businesses in La Salle and outside of the City. However, based on the Mayor's earlier clarifications, the ordinance will be amended through inner lineation to eliminate the requirement for non-La Salle brick and mortar businesses to pay the reduced \$100 fee to participate in City sponsored events.

Moved by Alderman Jeppson and seconded by Alderman Ptak to approve and place on file to (Ordinance #5A which will be amended by inner lineation) Ordinance **2861**: An Ordinance Further Amending Title XI: Business Regulations of the La Salle City Code Regarding Further Regulating Mobile Food Vendors 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

Motion carried 8-0

Ordinance 2861: An Ordinance Further Amending Title XI: Business Regulations of the La Salle City Code Regarding Further Regulating Mobile Food Vendors within the City of La Salle.

COMMENTS

There were no public comments.

Katherine Koyak reminded everyone of Small Town Saturday which will take place on Saturday, November 30.

7:38 p.m. EXECUTIVE SESSION AND RELATED MATTERS

Moved by Alderman Herndon and seconded by Alderman Lavieri to exit regular session and enter into 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 and further discussion regarding certain lawfully closed session minutes and related matters for potential approval and/or release pursuant to 5 ILCS 120/21 and/or potential action thereafter in open session including potential motions and/or resolutions regarding approval and/or release of certain closed session proceedings/minutes, related to potential authorization for destruction of certain verbatim tapes of certain closed session meetings which took place more than 18 months prior to this meeting and related matters.

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

NAY: None Absent: None Abstain: None

Motion Carried 8-0

7:46 p.m. Moved by Alderman Reynolds and seconded by Alderman Lavieri to exit Executive Session and resume regular session.

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 Herndon that we approve the lawfully closed minutes for meeting dates of 8/27/2018, 1/22/2019 and 7/15/2019, that we further find that the entirety of closed session minutes for the date of 8/27/2018 no longer requires confidential treatment and that we release the minutes portion only of said meeting, that we further find that specific portions of closed session minutes for the date of October 21, 2014 related to Collective Negotiating Matters between the Public Body and its Employees and their representatives, or deliberations concerning salary schedules for one or more class of employees; and a specific portion of closed session minutes of the July 31, 2017 related to the Purchase or Lease of Real Estate for the Use of the Public Body regarding Jackson School, no longer require confidential treatment and that we release the minutes only portions of said meetings and that we further find that all other closed session meetings and proceedings remain confidential as there is still a need for confidentiality pending further review and consideration at a later time of all other closed/ Executive Session meeting and proceedings.

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

NAY: None Absent: None Abstain: None

Motion Carried 8-0

APPROVAL OF BILLS

Moved by Alderman Ptak and seconded by Alderman Lavieri to accept, pay and place on file bills with Total Submitted totaling \$781,460.83 (Total Payroll \$178,712.56, Bills to be Paid \$281,262.74, Total Bills Paid \$321,485.53). 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 Crane to adjourn the meeting.
Voice vote, all ayes. Motion is carried.

ADJOURNED 7:49 p.m.

A handwritten signature in cursive script that reads "Carrie Brown". The signature is written in black ink and is positioned above a horizontal line.

Carrie Brown, City Clerk