

**MINUTES OF THE REGULAR MEETING
OF THE LA SALLE CITY COUNCIL
October 3, 2021**

**A regular meeting of the La Salle City Council of La Salle, Illinois was held,
Monday, October 3, 2021 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 6:30 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: **Others Present:** Deputy Clerk Brent Bader, Finance Director John Duncan, Economic Development Director Curt Bedei, Director of Public Works Patrick Watson, City Attorney James McPhedran, City Treasurer Virginia Kochanowski

EXECUTIVE SESSION

Moved by Alderman Laveiri and seconded by Alderman Thompson to go 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.

ROLL CALL

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

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

MOTION CARRIED: 8-0

Mayor adjourned the regular session meeting at 6:32 p.m.

Mayor proceeded back into the regular session meeting at 7 p.m.

ROLL CALL

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

Absent - NONE

APPROVAL OF MINUTES

Moved by Alderman Reynolds and seconded by Alderman Thompson to accept and place on file the Minutes of the Regular Meeting of the City Council held September 19, 2022. Each and every alderman has a copy.

Voice vote, all ayes. Motion carried.

DISCUSSION AND POTENTIAL ACTION ON THE FOLLOWING PETITIONS:

Moved by Alderman Herndon and seconded by Alderman Reynolds to approve the request from Comcast and Porter Installations to install CATV service near 2911 East 6th Road.

Voice vote, all ayes. Motion carried.

Moved by Alderman Ptak and seconded by Alderman Reynolds to grant the request from Eureka Savings Bank to install two illuminated, single facing signs at 250 Marquette Street.

Voice vote, all ayes. Motion carried.

REPORTS OF CITY OFFICERS

Moved by Alderman Herndon and seconded by Alderman Reynolds to accept and place on file the Monthly Police Income Report for September 2022 showing total fees collected of \$5,134.61

Voice vote, all ayes. Motion carried.

COMMUNICATIONS

Moved by Alderman Lavieri and seconded by Alderman Reynolds to accept and appreciate a donation of labor and materials in the amount of \$1,397.00 to Rotary Park from Cyclops Welding Company.

Voice vote, all ayes. Motion carried.

STANDING COMMITTEES

Moved by Alderman Ptak and seconded by Alderman Lavieri to accept the recommendation from the Finance Committee to support the Resolution of the City of LaSalle in support of Passenger Rail Service and the financial participation in the application to the Federal Rail Administration's Rail Corridor Identification and Development Program for the Peoria to Chicago Region.

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 Ptak and Alderman Lavieri to accept the Finance Committee recommendation to deny the request for a donation to LaSalle-Peru Christian School as part of its "Race for Education" fundraiser.

Voice vote, all ayes. Motion carried.

Moved by Alderman Bacidore to table the recommendation of the SAT committee regarding a request to add a "Resident Only" parking sign in front of 145 Ninth St.

Moved by Alderman Bacidore and seconded by Alderman Ptak to accept the recommendation of the SAT Committee to install a "Caution Def Person in Area" sign in front of 328 LaHarpe Street.

Voice vote, all ayes. Motion carried.

Alderman Bacidore asked for Deputy Bader to put a work order in for the installation of the sign.

SPECIAL COMMITTEES

Moved by Alderman Lavieri and seconded by Alderman Jeppson to approve the recommendation of the Zoning Board of Appeals to grant the request of Travel Center Realty, LLC a/k/a Southern Tire Mart, by its authorized representatives, for variances regarding premises commonly known as 341 Civic Road, LaSalle, Illinois.

ROLL CALL

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

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

MOTION CARRIED: 8-0

OLD BUSINESS

Moved by Alderman Ptak and seconded by Alderman Thompson to pay and authorize Payment Request to Cruz Concrete Inc. totaling \$18,105.00 for completed work on 2022 Lagoon Modifications project.

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 Lavieri and seconded by Alderman Jeppson to pay and authorize payment request to Advanced Asphalt Company totaling \$55,583.09 for completed work 2022 Lincoln Court Improvements project.

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 Herndon and seconded by Alderman Crane to pay Estimate #2 for Universal Asphalt & Excavating, Inc. totaling \$301,833.78 for work completed to date on 2022 Road Improvements - Rebuild Illinois (RBI) project.

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 Ptak and seconded by Alderman Thompson to authorize and pay estimate #2 for Universal Asphalt & Excavating, Inc. totaling \$161,793.55 for work completed to date on the 2022 Road Improvements MFT project.

ROLL CALL

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

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

MOTION CARRIED: 8-0

Building Inspector Bacidore mentioned the report in regards to 217 Marquette Street from Wendler Engineering. He felt the report was self explanatory and told the council members that they could ask any questions if they wish. Mayor Grove thought it would be best to get some time tables like they are requesting from 801-805 First Street.

Alderman Bacidore questioned when they are going out for bids and where they are advertising to.

Reynolds mentioned that Watson has not received any bids currently for 801-805. Bacidore asked if the bid process was published and posted.

Mayor is hoping that Reynolds can get some hard dates from contractors and for work from Watson. Watson is out of the office for two weeks and the information was passed on to Reynolds from Erin Maze.

Ptak asked Bacidore if there was an issue with the garage trusses. Bacidore mentioned that the issue was not with the garage trusses, it was an issue with the north wall. This is what is concerning the structural engineer currently. This sounds to be the main concern. Reynolds reminded the council that this report just recently came out so the company knows just as much as they do in regards to the issues.

Mayor stated that the work is finally being done on KFC and it is good news for the city. The company does have plans to rebuild.

NEW BUSINESS

Mayor Grove read a statement in regards to a newspaper article from this past Saturday and a FOIA request the City received. Mayor Jeff Grove's written statement will be submitted as Exhibit A.

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

Moved by Alderman Ptak and seconded by Alderman Lavieri to approve and accept the resolution of the City of LaSalle in support of Passenger Rail Service and the financial participation in the application to the Federal Rail Administration's Rail Corridor Identification and Development Program for the Peoria to Chicago Region. Each and every alderman has a copy.

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 Laveiri and seconded by Alderman Jeppson to accept an Ordinance authorizing variances concerning premises as requested by Travel Center Realty, LLC a/k/a Southern Tire Mart, by its authorized representatives, regarding premises commonly known as 341 Civic Road, within the City of LaSalle, Illinois. Each and every alderman has a copy.

ROLL CALL

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

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

MOTION CARRIED: 8-0

Mayor Grove believes it will be a good thing for the Flying J. There is constant traffic in and out of the truck stop currently.

Mayor Grove asked for a straw vote to have Leah Inman hired as an outside consultant. She would be available to help out with Thortons and the Rail Program. All council members were in agreement of this straw vote. This item will be on the agenda for approval for the next meeting.

Alderman Crane wanted to acknowledge and thank Cyclops Welding for the job well done at Rotary Park.

Alderman Herndon wanted to point out to the residents that it takes more than some believe for the demolition process of KFC to occur. Mayor thanked Bacidore, Attorney McPhedran, and Jacob Frost for the work that was done to get this demolition taken care of.

COMMENTS

There were no more questions or comments from the public.

APPROVAL OF BILLS

Moved by Alderman Ptak and seconded by Alderman Lavieri to accept, pay, and place on file bills for September 19, 2022 with Total Submitted: \$595,428.87 (Total Payroll \$177,945.20, Bills to be Paid \$157,732.57, Total Bills Paid \$259,751.10).

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 7:33pm

Amy Quinn

Amy Quinn, City Clerk

Exhibit A

I want to take some time this evening, to address some questions we've been getting and to clear up a few issues that we, as a City Council, have been dealing with, behind the scenes, over the past couple of months. It's an issue that has recently made its way into newspaper headlines and has come to us now, in the form of a FOIA request. Once we arrived at a point where there was finality to the issue (at least on what pertains to La Salle), I had planned to update our constituents on the details (that I am aware of) that have gotten us to this point. That time has now come.

Given the increased attention, it's important that I detail exactly what La Salle's involvement has been. I also believe it's important to have conversations like these, in a public setting, so that our constituents can see their government operate as transparently as possible. (Open discussions and transparency that La Salle has had for at least the past 21 years, that I have been involved with La Salle City Government.) I do want to add, that I plan to address this issue only once, here and now, and will not take additional questions after the meeting. I would also like to add that what I detail here is only the information that has been conveyed to me by certain parties through my own personal experiences/conversations, as well as my own, best interpretation, of materials I've reviewed from FOIA responses.

On August 4, 2021, Mertel Gravel Company representatives notified me that they planned to de-annex roughly 50 acres from La Salle and annex them into Peru. This parcel of land is east of Menard's. It is a great property as it is adjacent to other commercial/retail businesses. As part of our initial annexation agreement (from 10 years ago), Mertel has the right to do de-annex at any time, for any reason. 10 years ago, the Council and I, were willing to accept that clause. We accepted/understood that clause to basically mean, if La Salle could not get it developed and Peru brought in a confirmed development to Mertel, they could de-annex. At the initial meeting on August 4th, Mertel declined to explain their decision further, only stating they were avoiding a "PR issue that only Peru could help with," by de-annexing from us and annexing into Peru. Given no initial reason to de-annex in August, surprised me, as we have had a good working relationship and have been attempting to market the property.

A Mertel Gravel representative eventually told me, later that day. He said the reason they wanted to de-annex was because they had been caught dumping cement on LP High School property, south of the school's football stadium. Mertel Gravel told me that Peru advised them that the amount of cement dumped at the site, over an extended period of time, ultimately led to the sewer issue in the area which would now cost roughly \$400,000 to fix. Mertel Gravel representatives told me, when Peru confronted Mertel about the dumping that they were given the option to either pay for the damages or de-annex 50 acres from La Salle into Peru.

This information surprised me. I directed Deputy Clerk Brent Bader to send FOIA requests to La Salle Peru High School and the IEPA to confirm the details. From those FOIA responses, we determined that La Salle Peru High School provided security camera footage to the City of Peru of what appeared to be Mertel Gravel trucks at the ravine. Not too long after the sewer issue surfaced, LP sold the parcel for \$5,000 to Mertel Gravel. Considerations in that agreement state

that the high school makes no representations as to the environmental condition of the property "including but not limited to a need for remediation of cement." The IEPA FOIA response detailed a Compliance Commitment Agreement with the City of Peru regarding a sanitary sewer overflow at the site reported on September 16, 2021. As a taxpayer, I appreciate how LP Officials and LP Board Members addressed the issue and added protections in the real estate agreement with Mertel.

I reached out to Mayor Ken Kolowski, in an attempt to set up a meeting to discuss this issue, with the hopes of dissuading them from going through with the agreement with Mertel Gravel (using the dumping as leverage to have them de-annex from La Salle). At first, he notified me he was unable to discuss the matter, as it was an executive session topic, but later, Peru City Attorney Scott Schweickert reached out to La Salle Attorney Jim McPhedran and agreed to a meeting, but only if Peru City Engineer, Eric Carls, could be present. Two Mertel Gravel representatives, without attorneys, would also be present. At that meeting, City Attorney Scott Schweickert stated that he was the one that initially contacted Mertel Gravel Company to offer the de-annexation offer. At this time, I did not know that Peru City Attorney Scott Schweickert also owned property directly connected to the southwest portion of the discussed parcel. Both the City of Peru and Mertel Gravel officials acknowledged that the company was caught dumping cement in the ravine and the option to de-annex from La Salle and annex into Peru was given to Mertel Gravel instead of paying for the fix. Engineer, Eric Carls, then also confirmed the roughly \$400,000 total cost to repair damage to the sewer. During the meeting, when I asked Mayor Ken Kolowski what he thought about this deal, he only responded to me that he was "taking it all in." We advised them that such a deal would negatively impact the relationship between the two communities, and we hoped that they would reconsider taking land out of La Salle. (La Salle and Peru share two high schools, a hospital, and a 911 Dispatch Center. Our Police, Fire and Public Works departments work well together. We just completed a joint road project with the 24th Street/Wenzel Road). After the meeting, it was unclear to me if Attorney Schweickert made the offer on his own or was told to do so by other Peru City officials. It was later told to me by Mertel Gravel officials, that Attorney Scott Schweickert drafted the de-annexation paperwork to be given to us by Mertel Gravel, at our initial meeting in August.

We sent a follow-up FOIA request to the City of Peru wanting to gain more information prior to approving de-annexation. That FOIA was responded to in part with Schweickert citing exemptions such as communication between City elected officials and/or staff and its corporation counsel in anticipation of civil or administrative proceedings as well as preliminary drafts, notes, recommendations, and records in which opinions are expressed or policies or actions are formulated. The results of the FOIA include email communication relating to work in the ravine as well as an assortment of invoices and a contract with J.W. Ossola Co., Inc. for \$282,771.00 to re-install storm sewer pipe and associated work. No communication between the City and Mertel Gravel was included. One invoice from Chamlin & Associates for \$5,609.00 lists "progress work by staff to resolve the Mertel Concrete impediment issue at the east ravine, south of LP stadium".

Following this information, we entered executive session to update the full City Council on the issue and discuss any potential legal avenues to stop the de-annexation as well as the ramifications of discussing this publicly, as we believed the taxpayers deserved to learn why we were losing 50 acres of land that has potential to increase property taxes, sales tax and jobs for the area. We agreed to think about our options and reconvene at a later meeting to come up with a final decision on how to proceed, with the understanding that we would likely have to accept the de-annexation in its current form.

A couple of weeks after that meeting, Mertel Gravel officials reached out to me, through a newly acquired attorney, not present, at the earlier meetings, Attorney Jon Brandt. Brandt advised us that Mertel Gravel no longer had any interest in de-annexing from La Salle and wanted to sit down to discuss it further. City Attorney Jim McPhedran and I met with Attorney Brandt and Mertel Gravel representatives last Monday (September 26th) where they officially acknowledged they were rescinding their de-annexation paperwork. They told us that had they known initially, that agreeing to the City of Peru's deal would negatively impact the relationship between the two communities, that they would not have explored that option in the first place. We discussed how we felt exploited by Mertel Gravel for them attempting to de-annex from La Salle. We asked if the clause allowing them to de-annex could be removed from our agreement going forward, or if alternative phrasing as if Peru had a developer confirmed, could be added or changed to make it more specific to de-annexing.

They declined at this time but reaffirmed that they are committed to remaining in La Salle. I also offered the Mertel representatives for the City of La Salle to explore installing infrastructure they felt would be needed to assist in marketing the property as well as paying to bury or move the Peru power lines that intersect the Mertel property. In Mertel's agreement with the City of Peru, Peru would have 60 to 90 days to move the power lines once a developer signed to purchase the property.

It has only come to my attention recently, through a newspaper story on Saturday (October 1st), that the IEPA does not even believe Mertel Gravel's dumping caused the sewer issues in the ravine. That was not disclosed to me from any of my prior conversations with Mertel Gravel or City of Peru officials. It is my hope that openly discussing this in a public setting allows us to exit the conversation and move forward from it. The results of our FOIA requests, as well as a copy of this statement, can be made available to you in the form of a flash drive should you wish to review it. Ultimately, I am very glad that Mertel Gravel has chosen to remain in La Salle and has respected the good working relationship we've had for many years. It's my hope the two of us can continue working together to properly market the parcel in the hopes that it sees future development which will benefit both Mertel Gravel Company and the City of La Salle.