

**MINUTES OF THE REGULAR MEETING  
OF THE LA SALLE CITY COUNCIL  
December 18, 2017**

**A regular meeting of the La Salle City Council of La Salle, Illinois was held Monday, December 18, 2017 at 7:00 p.m. with Mayor Pro-Tem Tom Ptak presiding in the absence of Mayor Grove and with proper notice being duly and continuously posted.**

The meeting was called to order at 7:00 p.m.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

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

**Absent:** Mayor Grove

A quorum was present.

In Mayor Grove's absence it was moved by Alderman Lavieri and seconded by Alderman Schneider to appoint Tom Ptak as Mayor Pro-Tem.

**ROLL CALL:** AYE: Alderman Demes, Bacidore, Ptak, Reynolds, Lavieri, Duncan, Herndon, Schneider

NAY: None Absent: None Abstain: None

**Motion Carried 8-0**

**APPROVAL OF MINUTES**

Moved by Alderman Demes and seconded by Alderman Reynolds that the minutes of the regular City Council meeting held on Monday, December 4, 2017 are accepted and placed on file. Each and every alderman has a copy.

Voice vote, all ayes. Motion carried.

**PETITIONS**

Moved by Alderman Duncan and seconded by Alderman Reynolds to grant the request of Trinity Catholic Academy for a Sign Permit to install a 4' x 8', non-illuminated ground sign at 529 4<sup>th</sup> Street. Each and every alderman has a copy.

Voice vote, all ayes. Motion carried.

Moved by Alderman Bacidore and seconded by Alderman Herndon to grant the request of Donna Hess on behalf of the Illinois Valley Food Pantry to install a handicapped parking sign at the second stall south of the alley near 122 Wright Street and to remove the handicapped markings painted in the roadway in the first stall south of the alley at the same location. Each and every alderman has a copy.

**ROLL CALL:** AYE: Alderman Demes, Bacidore, Ptak, Reynolds, Lavieri, Duncan, Herndon, Schneider

NAY: None Absent: None Abstain: None

**Motion Carried 8-0**

Moved by Alderman Herndon and seconded by Alderman Schneider to grant the request of Ameren Illinois to break ground on Vermilionvue Trace to replace an 18' street light pole and at 719 6<sup>th</sup> Street to retire gas service. Each and every alderman has a copy.

Voice vote, all ayes. Motion carried.

Moved by Alderman Demes and seconded by Alderman Schneider to grant the request of Carrie-All, Inc. (d/b/a RePhils) for a 2018 Raffle License. Each and every alderman has a copy.  
Voice vote, all ayes. Motion carried.

Moved by Alderman Duncan and seconded by Alderman Schneider to grant the request of The La Salle Promotional and Advisory Committee for a 2018 Raffle License. Each and every alderman has a copy.  
Voice vote, all ayes. Motion carried. (Alderman Reynolds abstained.)

Moved by Alderman Duncan and seconded by Alderman Herndon to grant the request of the Catholic War Veterans St. Hyacinth Post 1229 for a 2018 Raffle License. Each and every alderman has a copy.  
Voice vote, all ayes. Motion carried.

Moved by Alderman Bacidore and seconded by Alderman Demes to grant the request of Club 55 for a 2018 Raffle License. Each and every alderman has a copy.  
Voice vote, all ayes. Motion carried.

Moved by Alderman Demes and seconded by Alderman Schneider to grant the request of the Better Fishing Association of Northern Illinois for a 2018 Raffle License. Each and every alderman has a copy.  
Voice vote, all ayes. Motion carried. (Alderman Lavieri abstained)

Moved by Alderman Duncan and seconded by Alderman Schneider to grant the request of Waltham Elementary PTCC for a 2018 Raffle License. Each and every alderman has a copy.  
Voice vote, all ayes. Motion carried.

## **REPORTS OF CITY OFFICERS**

Moved by Alderman Lavieri and seconded by Alderman Herndon to accept and place on file the Treasurer's Report for November 2017 showing cash balances in the La Salle State Bank of \$4,162,873.06 and In Hometown National Bank of \$5,154,167.68. 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 for November 2017 showing total fees collected of \$3,771.08. Each and every alderman has a copy.  
Voice vote, all ayes. Motion carried.

## **COMMUNICATIONS**

Moved by Alderman Lavieri and seconded by Alderman Schneider to accept and place on file the Illinois Department of Revenue Report showing sales tax collected for September 2017 of \$91,450.85 and referendum approved sales tax of \$40,219.29 for a total of \$131,670.14. Each and every alderman has a copy.  
Voice vote, all ayes. Motion carried.

Clerk Brown read a letter from Pam Lipka, resident of La Salle who expressed frustration over a recent situation where her garbage was rummaged through in north La Salle. A copy of the letter is on file in the City Clerk's office.

**OLD BUSINESS**

Moved by Alderman Schneider and seconded by Alderman Demes to open the floor for comment concerning the potential change to operating hours as they stand in the current Alcoholic Liquor ordinance.

Voice vote, all ayes. Motion carried.

Doug Washburn, co-owner of Borderline Bar and Grill read a prepared statement. Mr. Washburn is opposed to the proposed reduction in the weekend hours because of the substantial economic impact it could have on the bar owners and the City. Mr. Washburn stated that the decision has come at the busiest time for bar owners and he suggested that the decision is postponed until after the first of the year, so owners have time to gather financial information and present the city with an accurate representation of how much revenue would be lost by this change. He added that this change will also encourage La Salle residents and those frequenting La Salle businesses to seek other venues for their late night alcohol consumption. In his opinion, this will increase drunk driving as customers will travel to places such as Cedar Point whose bars remain open until 4 a.m.

Kevin Stedder, President of the local chapter of the Illinois Licensed Beverage Association stated that he represents over forty establishments in the La Salle - Peru area. He indicated that it is hard enough for owners to run a good business with all the constraints put upon them. The reduction of one hour will affect his association, bar owners, employees and the City of La Salle because of the reduction in tax revenue that is generated through liquor sales and video gaming sales. He asked that the council reconsider or at least postpone until the liquor licenses are renewed in May so La Salle bar owners can be on the same playing field as other communities who have already implemented the change. Mr. Stedder presented the council with an Economic Impact Study for the alderman to review. (Exhibit A) Mr. Stedder also indicated that many from the community turn to bar owners to facilitate benefits for those facing health or financial hardships. With this change and reduced income, bar owners will not have the extra expendable income to continue to facilitate these types of events for the community.

John Ebener, owner of the 9<sup>th</sup> Street Pub, stated that bar owners have not have ample time to make their case. He recommended the possibility of offering a cabaret license where businesses can stay open for the extra hour if certain criteria is met. He stated he is not sure what the economic impact of the reduced hours will be, but knows it would affect his bands. He added that in his opinion if you run a good business and run it properly, there is no reason there should not be a license for extended hours. He continued by saying that good owners consistently pay sales tax and the City gains revenue from video gaming. Overall, he would like more time to present their case.

Alderman Duncan asked Mr. Ebener how much time they would need to present their case. Mr. Ebener stated that a couple of months would allow owners time to gather numbers, speak to the aldermen, the Police Chief and the Mayor.

Alderman Lavieri stated that the City of Peru has already passed the change in hours from 3 a.m. to 2 a.m., so this leaves the City of La Salle with concern that people will be coming from Peru to La Salle for the extra hour of consumption. Mr. Ebener stated that the best way to prevent issues is for the bar owner to be present and turn away anyone who has been overserved.

Alderman Demes asked if a committee should be assembled to consider the issue further. Alderman Schneider stated that he felt it was best to continue discussion at this time. He recommended that if the council chooses to act on this, it should make the change effective at license renewal time. This provides bar owners time to make any necessary changes in staffing and the booking of bands.

Alderman Schneider also stated that there is a perception out there that this is a knee-jerk response to a recent event that happened in La Salle. He continued by saying that although we cannot ignore recent events that occurred at 516 on First, the Mayor has discussed this topic in the past and has expressed his desire to make this change well before the incident occurred. The possible change had also been discussed with the Police Department during labor meetings.

Alderman Schneider added that he has not heard from one bar owner who is opposed to this change until tonight. He added that he did a bit of research which showed that less than 11% of bars in the State of Illinois allow a 3 a.m. closing time. Therefore, in his opinion, what is being proposed is not unusual. He added that the City of La Salle is in the minority. He followed by saying that we saw with Peru's quick response, their council was thinking exactly what Alderman Lavieri alluded to. When word got out La Salle was making this change, Peru would not want patrons traveling to Peru to bars that are open later, leaving their Police Department to deal with issues that could arise. Alderman Schneider reminded the public that here in La Salle we are talking about one hour a week. He stated that he is in favor of the change, but out of respect to the bar owners he would be willing to get more feedback and review financials from bar owners.

Alderman Lavieri asked if the change were made, would it be effective May 1. Alderman Schneider confirmed that it would be effective with license renewals which occur on May 1.

Alderman Herndon stated that for people who work shift work, having establishments open is important. He added that with the expansion of video gaming to private parlors, bar owners have already been hurt. He continued by saying that when this administration began, it was stated that La Salle is open for business. Alderman Herndon stated that he wants to be open for **all** businesses regardless of what type of business it is. He continued by saying if there are problems in a certain bar, then the extra hour could be taken away. Good bar owners take care of problems themselves and good bar owners should not be punished for isolated incidents. He added that the News Tribune reported that the isolated incident in La Salle caused Peru to make the fast decision to change to their hours.

Alderman Demes stated that he was upset the News Tribune made La Salle the scapegoat for spurring the decision to change bar hours, as Peru had their own incident but it was kept quiet. Alderman Demes felt Mr. Ebener's suggestion for a cabaret license was a good solution. He also agreed with Aldermen Schneider and Lavieri that we do not want to be the gathering place for people to come after bars in other towns close.

Alderman Bacidore stated that he was a bar owner for 36 years. He stated that as he got older, he started closing at 7 p.m. and even at that hour he still had occasional fights. He added that when people drink they get stupid and bar owners get the blame. Alderman Bacidore's opinion is that it is not fair to penalize all bar owners. He added that bar owners do not want trouble and do their best to stop it when it happens, but at times you just can't. He also expressed concern for the loss of income for bartenders, etc. He believes that extra hour could affect wages and tips. Lastly, he stated that when the public needs to conduct fundraisers, bars owners are the

first people they approach for help. He suggested that bar owners consider reducing the amount of charitable events they hold in order to help make up for lost revenues if the hour reduction is granted. Alderman Bacidore stated that he is against the change. He said we do not limit any other type of business, so it is not fair bars have limitations.

Attorney McPhedran stated that the Mayor wanted to make it clear that the action La Salle is considering began with union management meetings long before the incident that everyone has talked about and Peru alluded to. This topic was going to come up for discussion and consideration regardless of that instance.

Chief Uranich also expressed his concern that if other towns reduce hours and we remain open, there will be more problems.

Mr. Ebener asked what Oglesby's hours are. Alderman Schneider stated that they do have late hours, but he has heard they may be considering a change as well. Mr. Ebener's point is that patrons go to bars with late hours not only to consume alcohol, but to play the video gaming machines. He stated that a good portion of the revenue the City is getting from video gaming is coming from the bars. He stated that in his opinion some of the stand-alone parlors will close because they do not stay open late hours like the bars. He ended by saying the City can expect its video gaming revenue will change if this reduction of hours is implemented.

Alderman Reynolds stated that the gambling is not the problem, it is the drinking.

There were no further comments from the public.

## **NEW BUSINESS**

No new business was brought forth.

## **ORDINANCES AND RESOLUTIONS**

Moved by Alderman Herndon and seconded by Alderman Duncan to pass and place on file **Resolution 201720** related to Improvements on State Right of Way. (Rt. 351). Each and every alderman has a copy.

**ROLL CALL:** AYE: Alderman Demes, Bacidore, Ptak, Reynolds, Lavieri, Duncan, Herndon, Schneider

NAY: None Absent: None Abstain: None

**Motion Carried 8-0**

**Resolution 201720: related to  
Improvements on State Right of  
Way. (Rt. 351)**

Attorney McPhedran explained that the Ordinance and the preceding Resolution have to with improvements the La Salle Grade School district will be making at Lincoln School. The sidewalk and sewer improvements the school district will be making are located on Route 351. Route 351 is a State Route but the City has certain maintenance responsibilities, therefore the State required a resolution signed by the City authorizing the work to be done, even though the school district will be doing the work. The School District and the City arrived at an agreement wherein as much as the school district will be doing the work, they will indemnify the City in regard to the work they are doing and provide the City with proper bonding and insurance.

Moved by Alderman Lavieri and seconded by Alderman Reynolds to pass and place on file  
**Ordinance 2711:** an ordinance Authorizing Execution of Indemnification Agreement with La Salle Elementary School District #122 Regarding Certain Improvements to be Constructed in the Vicinity of Lincoln School, La Salle, Illinois. Each and every alderman has a copy.

**ROLL CALL:** AYE: Alderman Demes, Bacidore, Ptak, Reynolds, Lavieri, Duncan, Herndon, Schneider

NAY: None Absent: None Abstain: None

**Motion Carried 8-0**

**Ordinance 2711: Authorizing Execution of Indemnification Agreement with La Salle Elementary School District #122 Regarding Certain Improvements to be Constructed in the Vicinity of Lincoln School, La Salle, Illinois**

After brief discussion it was moved by Alderman Herndon and seconded by Alderman Bacidore to table the vote on the potential ordinance Amending La Salle City Code, Title XI: Business Regulations, Chapter 110-Alcoholic Liquors, Regarding Hours of Operation. Prior to a vote being taken, the motion was then amended by Alderman Herndon and seconded by Alderman Bacidore to table the vote on the potential ordinance Amending La Salle City Code, Title XI: Business Regulations, Chapter 110-Alcoholic Liquors, Regarding Hours of Operation for 45 days.

**ROLL CALL:** AYE: Aldermen Demes, Bacidore, Lavieri, Herndon, Schneider

NAY: Aldermen Ptak, Reynolds, Duncan Absent: None Abstain: None

**Motion Carried 5-3**

A notice will be sent to bar owners notifying of when the topic will be on the agenda for further consideration.

John Ebener stated that at the monthly meeting of the IBLA the issue will be discussed and financials will be gathered that will reflect potential revenue loss for both liquor sales as well as video gaming revenue during the hour in question and will be presented to the council.

Attorney McPhedran stated that the ordinance under consideration concerning the carrying of concealed weapons is being amended to make our ordinance consistent with State statute.

Moved by Alderman Duncan and seconded by Alderman Lavieri to pass and place on file  
**Ordinance 2712:** an Ordinance Amending La Salle City Code, Title XIII: General Offenses-Regarding the Carrying of Concealed Weapons. Each and every alderman has a copy.

**ROLL CALL:** AYE: Alderman Demes, Bacidore, Ptak, Reynolds, Lavieri, Duncan, Herndon, Schneider

NAY: None Absent: None Abstain: None

**Motion Carried 8-0**

**Ordinance 2712: General Offenses-Regarding the Carrying of Concealed Weapons.**

Attorney McPhedran indicated for the record concerning the following Ordinance up for consideration, the City of La Salle has been sensitive to these issues long before the recent perception came to the forefront and had a strong Sexual Harassment Ordinance in place. Amendments needed to be made to comply with amendments to State Law.

Moved by Alderman Demes and seconded by Alderman Reynolds to pass and place on file **Ordinance 2713**: an ordinance Amending and Updating Ordinance Number 2187 being an Ordinance Adopting Formal Policy in Reference to Addressing Sexual Harassment. Each and every alderman has a copy.

**ROLL CALL**: AYE: Alderman Demes, Bacidore, Ptak, Reynolds, Lavieri, Duncan, Herndon, Schneider

NAY: None Absent: None Abstain: None

**Motion Carried 8-0**

**Ordinance 2713: Amending and Updating Ordinance Number 2187 being an Ordinance Adopting Formal Policy in Reference to Addressing Sexual Harassment**

### COMMENTS

Mr. Michael Ocepek of the Dugout Tavern wanted to point out what Alderman Herndon stated earlier about third shift workers. He stated that third shifts disappeared over the last 15-20 years but with the economy coming back, there will be an increase in third shift workers. Leaving the bar hours as they are will accommodate those workers.

Alderman Schneider wished everyone a Merry Christmas.

**8:00 p.m.** Moved by Alderman Schneider and seconded by Alderman Lavieri to exit regular session and enter into Executive Session regarding pending and/or potential 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, appointment, performance and/or compensation of non-union personnel and related matters pursuant to the Open Meetings Act including 5-ILCS 120 Section 2(c) 1-3,5,6, and 11 thereof.

**ROLL CALL**: AYE: Alderman Demes, Bacidore, Ptak, Reynolds, Lavieri, Duncan, Herndon, Schneider

NAY: None Absent: None Abstain: None

**Motion Carried 8-0**

**8:22 p.m.** Moved by Alderman Bacidore and seconded by Alderman Reynolds to exit Executive Session and resume regular session.

**ROLL CALL**: AYE: Alderman Demes, Bacidore, Ptak, Reynolds, Lavieri, Duncan, Herndon, Schneider

NAY: None Absent: None Abstain: None

**Motion Carried 8-0**

### APPROVAL OF BILLS

Moved by Alderman Lavieri and seconded by Alderman Herndon that bills submitted totaling \$385,060.83 (Total Payroll \$ 166,072.42, Bills to be Paid \$22,557.81, Total Bills Paid \$385,060.83) 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: None Abstain: None

**Motion Carried 8-0**

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

**ADJOURNED 8:22 p.m.**

  
Carrie L. Brown, City Clerk