

**MINUTES OF THE REGULAR MEETING AND PUBLIC HEARING
OF THE LA SALLE CITY COUNCIL
November 5, 2018**

A regular meeting of the La Salle City Council of La Salle, Illinois was held Monday, November 5, 2018 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, Herndon, Schneider

Absent: None

A quorum was present.

APPROVAL OF MINUTES

Moved by Alderman Demes and seconded by Alderman Reynolds that the minutes of the Regular City Council meeting and Public Hearing held on Monday, October 22, 2018 are accepted and placed on file. Each and every alderman has a copy.

Voice vote, all ayes. Motion carried.

Moved by Alderman Herndon and seconded by Alderman Reynolds for approval to go out of order of the published agenda in order to move up the appointment and swearing in of the Third Ward Alderman.

ROLL CALL: AYES: Alderman Demes, Bacidore, Ptak, Reynolds, Lavieri, Herndon, Schneider

NAYS: None Absent: None Abstain: None

Motion Carried 7-0

Moved by Alderman Lavieri and seconded by Alderman Schneider to confirm the Mayor's appointment of Brian Sellett as Third Ward Alderman to fill the vacancy of John Duncan III.

ROLL CALL: AYES: Alderman Demes, Bacidore, Ptak, Reynolds, Lavieri, Herndon, Schneider

NAYS: None Absent: None Abstain: None

Motion Carried 7-0

City Clerk Carrie Brown swore in Brian Sellett as Third Ward Alderman.

Mayor Grove took a moment to recognize former Alderman John Duncan III for his contributions to the City in the role of Alderman of the Third Ward.

ROLL CALL

Present- Alderman Demes, Bacidore, Ptak, Reynolds, Lavieri, Sellett, Herndon, Schneider

Absent: None

A quorum was present.

PETITIONS

Mayor Grove stated that each petition related to Illinois Cement will be read individually. Attorney McPhedran explained that in regard to all of these petitions there will be no final action taken here tonight and no substantive action taken. The petitions being considered this evening are the first step in a procedural process. Petitions related to rezoning to M-2 and Special Use

Permits will be referred this evening to the Planning Commission. Notice will be given to the public via a notice in the newspaper, as well as on the City's website as well as signage on the properties under consideration. The hearing is tentatively scheduled for Monday, November 29, 2018 at 5:00 p.m. At that time, anyone wishing to be heard will have the opportunity to do so. Following the Planning Commission hearing, recommendations and conclusions of the Planning Commission regarding these petitions will be presented at the December 3, 2018 City Council meeting scheduled for 6:30 p.m. in the Council Chambers. In addition, as part of the December 3, 2018 Council meeting there will be a Public Hearing regarding the potential annexations, as well as the temporary road vacation and relocation, as well as the vacation of the roadway.

Mayor Grove also indicated that Alderman Herndon will be abstain from voting on petitions related to Illinois Cement as he is employed by the company.

Moved by Alderman Ptak and seconded by Alderman Demes to refer the Petitions and Requests of Illinois Cement Company, LLC, a Delaware Limited Liability Corporation (hereinafter throughout all of following petitions referenced as "Illinois Cement Company, LLC") for annexation, rezoning, and granting of special use permit regarding certain real estate, including premises commonly known as 3129 E. 3rd Road, La Salle, Illinois PIN # 11- 28-404-000, 3131 E. 3rd Road, La Salle, Illinois PIN #11-28-406-000, PIN # 11-28-303-000, PIN# 11-28-300-000, PIN # 11-28-402-000 and also regarding entering into an Annexation Agreement regarding certain of the above real estate and also regarding the real estate referenced in the below listed petitions wherein Illinois Cement Company, LLC is also a co-petitioner to the Planning Committee with regard to the rezoning and Special Use Permit and that a public hearing is scheduled regarding the petitions for annexation and to the City Council for consideration of potential annexation agreement. Each and every alderman has a copy.

ROLL CALL: AYES: Alderman Demes, Bacidore, Ptak, Reynolds, Lavieri, Sellett, Schneider

NAYS: None Absent: None Abstain: Alderman Herndon

Motion Carried 7-0

Moved by Alderman Ptak and seconded by Alderman Reynolds to refer the Petition of Illinois Cement Company, LLC, JCS Enterprises, LLC and Central Illinois Contracting Corporation for annexation, rezoning, granting of a special use permit for mining for three parcels located in the vicinity of N. 32nd Road/E 3rd Road, LaSalle, Illinois having PIN #'s 11-28-201-000, 11-28-130-000 and 11-28-129-000 to the Planning Committee with regard to the rezoning and Special Use Permit and that a public hearing is scheduled regarding the petitions for annexation and to the City Council for consideration of potential annexation agreement. Each and every alderman has a copy.

ROLL CALL: AYES: Alderman Demes, Bacidore, Ptak, Reynolds, Lavieri, Sellett, Schneider

NAYS: None Absent: None Abstain: Alderman Herndon

Motion Carried 7-0

Moved by Alderman Demes and seconded by Alderman Reynolds to refer the Petition of Illinois Cement Company, LLC and Lighthouse Baptist Church of LaSalle, an Illinois Religious Corporation, for annexation, rezoning and granting of special use permit for mining for one parcel of land having PIN #11-28-124-000 to the Planning Committee with regard to the rezoning and Special Use Permit and that a public hearing is scheduled regarding the petitions for annexation and to the City Council for consideration of potential annexation agreement. Each and every alderman has a copy.

ROLL CALL: AYES: Alderman Demes, Bacidore, Ptak, Reynolds, Lavieri, Sellett, Schneider

NAYS: None Absent: None Abstain: Alderman Herndon

Motion Carried 7-0

Moved by Alderman Schneider and seconded by Alderman Demes to refer the Petition of Illinois Cement Company, LLC and Thomas Searls for annexation, rezoning and granting of special use permit for mining for two parcels of land having a PIN # of 11-28-126-000 to the Planning Committee with regard to the rezoning and Special Use Permit and that a public hearing is scheduled regarding the petitions for annexation and to the City Council for consideration of potential annexation agreement. Each and every alderman has a copy.

ROLL CALL: AYES: Alderman Demes, Bacidore, Ptak, Reynolds, Lavieri, Sellett, Schneider

NAYS: None Absent: None Abstain: Alderman Herndon

Motion Carried 7-0

Moved by Alderman Reynolds and seconded by Alderman Schneider to refer the Petition of Illinois Cement Company, LLC and Tommy W. McMurtry and Paula J. McMurtry for annexation, rezoning and granting of special use permit for mining for one parcel commonly known as 236 N. 32nd Road, La Salle, Illinois with a PIN of #11-28-125-000 to the Planning Committee with regard to the rezoning and Special Use Permit and that a public hearing is scheduled regarding the petitions for annexation and to the City Council for consideration of potential annexation agreement. Each and every alderman has a copy.

ROLL CALL: AYE: Alderman Demes, Bacidore, Ptak, Reynolds, Lavieri, Sellett, Schneider

NAY: None Absent: None Abstain: Alderman Herndon

Motion Carried 7-0

Moved by Alderman Schneider and seconded by Alderman Reynolds to set up a public hearing to begin the process regarding the petition of Illinois Cement Company, LLC to the City of La Salle to Vacate a Portion of N. 31st Road. Each and every alderman has a copy.

ROLL CALL: AYES: Alderman Demes, Bacidore, Ptak, Reynolds, Lavieri, Sellett, Schneider

NAYS: None Absent: None Abstain: Alderman Herndon

Motion Carried 7-0

Moved by Alderman Demes and seconded by Alderman Reynolds to set up a public hearing to begin the process regarding the petition of Illinois Cement Company, LLC to the City of La Salle for Temporary Vacation of E. 3rd Road and Construction of Relocated Road. Each and every alderman has a copy.

ROLL CALL: AYES: Alderman Demes, Bacidore, Ptak, Reynolds, Lavieri, Sellett, Schneider

NAYS: None Absent: None Abstain: Alderman Herndon

Motion Carried 7-0

Mayor Grove asked Attorney John Duncan III who represents Illinois Cement Company, LLC to speak to those present regarding the petitions on tonight's agenda. Attorney Duncan reiterated that as previously indicated, tonight is not a public hearing for those actions being petitioned. He stated that it was brought to his attention earlier in the day that some people may be in attendance this evening. He stated that he is prepared to give some information, but does not have the whole program ready as that will be presented at the Public Hearing of the Planning Commission. He stated that on the Dimmick School website what he saw being highlighted were concerns about the road vacation. Attorney Duncan reviewed the properties involved with these petitions, some of which are currently owned by Illinois Cement and others who Illinois Cement has an option to purchase.

In regard to N. 31st road, Illinois cement currently owns both sides of the roadway and the roadway is already in the City of La Salle and properly zoned. The company is requesting that

approximately one half mile of the gravel road be vacated for mining to occur. He stated that this roadway is not heavily used.

In regard to E. 3rd Road, he stated emphatically that Illinois Cement has no plans or ideas to close this road. The plan, if approved by the City, is to build a brand new road to the west of the current road with a slight curve, built to the specs determined by the City. It will be a wider road, with wider shoulders and made of asphalt. Illinois Cement will reimburse the City for the maintenance of the roadway. E. 3rd Road as it exists now, will remain until the new roadway is open. Eventually, the area under the current E. 3rd road will be mined. Upon completion of mining, the roadway will be rebuilt in the exact location. He added that traffic will at no time be disrupted. Attorney Duncan stated that both Illinois Cement and the City are aware of the importance of this roadway to the Dimmick community and understands that the new roadway needs to be in good condition for busses and emergency vehicles.

Wayne Emmert, President of Illinois Cement and Jerry Crittenden, Plant Manager were also present. Attorney Duncan stated that at the Public Hearing with the Planning Commission the company will give a formal presentation with more information. The public hearing tentatively schedule for November 29, 2018 at 5:30 p.m. The company will give its presentation, followed by an opportunity for the Planning Commission members to ask questions and concluding with an opportunity for the public to make comments and ask questions. Attorney Duncan emphasized that the Planning Commission only considers the petitions for zoning matters and Special Use Permits. The December 3, 2018 Public Hearing will address the annexation petitions and road vacation petitions.

The public in attendance was given an opportunity to ask questions. Attorney Duncan reviewed some general timelines concerning plans to build the new road, mining plans and outlined some of the reasons why Illinois Cement's operations are important to the community in terms of employment and economic impact.

Superintendent of Dimmick School Ryan Linnig and others inquired as to some further details regarding the proposed new roadway. It was explained that the new roadway may be approximately a half mile longer, which at 45 mph. may add an additional 30 seconds to a commute. Attorney Duncan stated that Illinois Cement will meet with Mr. Linnig and will find the best way to disseminate information on this matter to those involved.

Discussion followed. An aerial exhibit identifying the proposed E. 3rd Road temporary realignment was visually projected for those in attendance. The public asked if the exhibit could be released prior to the hearings. Mr. Emmert stated that he is working with their IT Department to post information on their website and as mentioned will work with Mr. Linnig to get information out. Illinois Cement representatives stated that this is an important project and it is the company's goal to keep the public informed.

STANDING COMMITTEES

Moved by Alderman Ptak and seconded by Alderman Schneider to accept the recommendation of the Finance Committee and schedule a Truth in Taxation hearing on November 19, 2018 as part of the Regular City Council meeting.

ROLL CALL: AYES: Alderman Demes, Bacidore, Ptak, Reynolds, Lavieri, Sellett, Herndon, Schneider

NAYS: None Absent: None Abstain: None

Motion Carried 8-0

Moved by Alderman Bacidore and seconded by Alderman Ptak to accept the recommendation of the Streets, Alleys and Traffic Committee and approve the request George Hunter to install a stop sign on 9th Place at Wright Street.

ROLL CALL: AYES: Alderman Demes, Bacidore, Ptak, Reynolds, Lavieri, Sellett, Herndon, Schneider

NAYS: None Absent: None Abstain: None

Motion Carried 8-0

In regard to the recessed meeting of the Zoning Board of Appeals, originally held on October 30, 2017 which reconvened this evening, Clerk Brown reported that variances were originally granted to JJ Raffelson, owner of JJR Next Level Training and Fitness, LLC for a period of one year concerning the number of allowable parking spaces and the paving of the parking lot. Mr. Raffelson and the board agreed to recess and reconvene on January 7, 2019 at 5:00 p.m. allowing him time to present a timeline and plan as to when he can complete the required paving. Attorney McPhedran stated that there is no need for council action at this time.

APPOINTMENTS/REAPPOINTMENTS

Moved by Alderman Herndon and seconded by Alderman Reynolds to accept the Mayor's reappointment of Dan Lawler to the Police Pension Board and the appointment of John Fletcher to the Planning Commission.

ROLL CALL: AYES: Alderman Demes, Bacidore, Ptak, Reynolds, Lavieri, Sellett, Herndon, Schneider

NAYS: None Absent: None Abstain: None

Motion Carried 8-0

Reappointment: Dan Lawler to the Police Pension Board to May 2020

Appointment: John Fletcher to the Planning Commission to May 2020

OLD BUSINESS

Moved by Alderman Ptak and seconded by Alderman Reynolds to authorize, pay and place on file Pay Estimate #5 to Universal Asphalt & Excavating, Inc. totaling \$27,340.84 for the 2018 Non-MFT Program-2nd and Wright Street and 1st and Gooding Street Parking Lot Improvements and Lindberg Road Bus Lane at Lincoln School. Each and every alderman has a copy.

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

NAY: None Absent: None Abstain: None

Motion Carried 8-0

Alderman Bacidore expressed concern that there has been no movement on the Hotel Kaskaskia. Mayor Grove stated that he will invite the group to present an update on the project to the council.

Concerns were brought forth by Alderman Lavieri regarding leaves being raked into the street on Bucklin, versus in the berm. Alderman Lavieri and Reynolds both expressed concerns about leaves in the street covering the inlets which can cause issues when it rains. Alderman Demes reminded the public of the no leaf burning policy in La Salle.

NEW BUSINESS

Moved by Alderman Ptak and seconded by Alderman Reynolds to accept and place on file the amended La Salle-Peru Shared Service Station Pre-Design Space Needs Assessment with Basalay, Cary & Alstadt Architects LTD. Each and every alderman has a copy.

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

NAY: None Absent: None Abstain: None

Motion Carried 8-0

Mayor Grove explained that the City had already signed this agreement, but now that Oglesby is no longer part of the Shared Services group, the agreement has been amended to remove their signature.

Moved by Alderman Ptak and seconded by Alderman Reynolds that the City be authorized to enter into the proposal and agreement with AECOM concerning which each and every Alderman has a copy subject to such modifications and revisions as may be approved jointly by our City Engineer and the Mayor, and that the Mayor's signature on any document shall be conclusive evidence of the joint approval of the Mayor and City Engineer. Each and every alderman has a copy.

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

NAY: None Absent: None Abstain: None

Motion Carried 8-0

Alderman Schneider thanked and commended the Mayor for standing the city's ground at the last Shared Services meeting regarding the pace at which the City is comfortable moving forward regardless of how quickly Peru wants to move regarding the Shooting Park site. He stated that if the City of Peru has a buyer for the property on Shooting Park road, then they should sell it. However, Alderman Schneider stated that personally he is not willing to move any faster than our due diligence allows us to do. Mayor Grove stated that he feels we have a good understanding with Peru and if Peru chooses to sell that property to a developer, we will come up with another mutual site that may work for the Shared Services. Mayor thanked Alderman Schneider for his comments.

Mayor thanked all involved with the success of the recent Hometown Halloween and again encouraged the public to vote at tomorrow's election.

ORDINANCES/RESOLUTIONS

Moved by Alderman Demes and seconded by Alderman Reynolds to pass and place on file **Ordinance 2769:** An Ordinance Amending and Updating Ordinance 2713 being an Ordinance Amending Ordinances 2585 and 2187 being Ordinances Adopting and Amending Policy in reference to addressing Sexual Harassment. Each and every alderman has a copy.

ROLL CALL: AYES: Alderman Demes, Bacidore, Ptak, Reynolds, Lavieri, Sellett, Herndon, Schneider

NAY: None Absent: None Abstain: None

Motion Carried 8-0

Ordinance 2769: Amending and Updating Ordinance 2713 being an Ordinance Amending Ordinances 2585 and 2187 being Ordinances Adopting and Amending Policy in reference to addressing Sexual Harassment.

Mayor Grove left the meeting at 7:50 p.m.

7:50 p.m. Moved by Alderman Lavieri and seconded by Alderman Herndon to appoint Tom Ptak as Mayor Pro-Tem for the remainder of the meeting in the absence of Mayor Grove.

ROLL CALL: AYES: Alderman Demes, Bacidore, Ptak, Reynolds, Lavieri, Sellett, Herndon, Schneider

NAY: None Absent: None Abstain: None

Motion Carried 8-0

Moved by Alderman Bacidore and seconded by Alderman Reynolds to pass and place on file **Ordinance 2770:** An Ordinance Further Regulating Parking within the City of La Salle. Each and every alderman has a copy.

ROLL CALL: AYES: Alderman Demes, Bacidore, Ptak, Reynolds, Lavieri, Sellett, Herndon, Schneider

NAY: None Absent: None Abstain: None

Motion Carried 8-0

**Ordinance 2770: Further
Regulating Parking within the
City of La Salle (801 Second
Street)**

COMMENTS

Alderman Reynolds and the council wished reporter Jeremy Aiken a Happy Birthday.

APPROVAL OF BILLS

Moved by Alderman Lavieri and seconded by Alderman Herndon that bills submitted totaling \$544,699.94 (Total Payroll \$162,754.07, Bills to be Paid \$51,520.29, Total Bills Paid \$94,308.05) be accepted, paid and placed on file. Each and every alderman has a copy.

ROLL CALL: AYE: Alderman Demes, Bacidore, Ptak, Reynolds, Lavieri, Sellett, 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 7:54 p.m.



Carrie Brown, City Clerk