

**MINUTES OF THE REGULAR MEETING
OF THE LA SALLE CITY COUNCIL**

March 21, 2022

A regular meeting of the La Salle City Council of La Salle, Illinois was held Monday, March 21, 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 6:33 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present - Mayor Jeff Grove, Aldermen Demes, Bacidore, Reynolds, Lavieri, Jeppson, Herndon, Crane

Excused Absence: Alderman Ptak

Others Present: Deputy Clerk Brent Bader, Finance Director John Duncan, Fire Chief Jerry Janick, Superintendent of Public Works Patrick Watson, Economic Development Director Leah Inman, City Attorney Jim McPhedran, Treasurer Virginia Kochanowski

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 Regular Meeting of the City Council held March 7, 2022. Each and every alderman has a copy.

Voice vote, all ayes. Motion carried.

PETITIONS

Moved by Alderman Reynolds and seconded by Alderman Crane to approve the request from Ameren Illinois to break ground at 1203 First Street to install gas service.

Voice vote, all ayes. Motion carried.

Moved by Alderman Reynolds and seconded by Alderman Demes to approve the request for a 2022 Raffle License from LaSalle Peru Township High School Foundation for Educational Enrichment.

Voice vote, all ayes. Motion carried.

Moved by Alderman Bacidore and seconded by Alderman Reynolds to approve the request for a 2022 Raffle License from Lighted Way.

Voice vote, all ayes. Motion carried.

Mayor mentioned that Lighted Way will be having their Spaghetti Dinner at Uptown Grill coming up in April.

Moved by Alderman Bacidore and seconded by Alderman Reynolds to approve a request from LP Cav Travel Baseball Organization to hold a Tag Day Collection on Friday, March 25, 2022 and Saturday March 26, 2022 and Sunday, March 27 at the intersection of 11th and Bucklin streets, Rudy's Liquors, Beck's Convenience Store, Flying J, Illinois Valley Food and Deli, Casey's General Store.

Voice vote, all ayes. Motion carried.

Alderman Herndon did ask about times for those certain intersections. Deputy Clerk Bader informs them of the associated times that the organizations have to stick to for each and every tag day.

Moved by Alderman Lavieri and Alderman Jeppson to approve a request from Designs and Signs on behalf of Starved Rock Family Campground to install a non-illuminated, single-facing directional sign at 757 3029th Road.

Voice vote, all ayes. Motion carried.

Moved by Alderman Bacidore and seconded by Alderman Lavieri to send request from Pam Argubright to consider reducing the speed limit on Richard Hallett Rd. to Streets, Alleys, and Traffic Committees in two weeks.

Voice vote, all ayes. Motion carried.

COMMUNICATIONS

Moved by Alderman Lavieri and seconded by Alderman Jeppson to accept and place on file Illinois Department of Revenue report showing sales tax collected for December 2021 of \$90,909.66 and Home Rules Sales Tax of \$78,202.30 for a total of \$169,111.96.

Voice vote, all ayes. Motion carried.

STANDING COMMITTEES

Economic Developer Inman did want Mr. Hammers to know that there are no issues with this grant request at this time. Inman did mention to Mr. Hammers the week prior a few specifics that they had discussed in regards to the grant.

Attorney McPhedran wanted to clear up with Mr. Hammers the grant will be awarded if there are the funds available May 1st.

Moved by Alderman Lavieri and seconded by Alderman Herndon to approve the recommendation of the Finance Committee regarding a request from Gary Hammers for a Redevelopment Incentive Program grant totaling \$12,500 from premises located at 328 Third Street.

AYE: Aldermen Demes, Bacidore, Reynolds, Lavieri, Jeppson, Herndon, Crane

NAY: None

Absent: Alderman Ptak **Abstain:** None

MOTION CARRIED: 7-0

Alderman Bacidore stated that the committee will table the recommendation from the Streets, Alleys and Traffic Committee regarding a request to add the "No Parking" signs in the south city diamond between Second, Third, Bucklin and Lafayette streets. This topic will be brought up and discussed at the next STA committee meeting in two weeks, following the Finance Committee meeting.

AYE: Aldermen Demes, Bacidore, Ptak, Reynolds, Lavieri, Jeppson, Crane

NAY: None

Absent: Herndon **Abstain:** None

MOTION CARRIED: 7-0

OLD BUSINESS

Attorney McPhedran reviewed the ordinances in regards to special events permits. Per last meeting, the Council asked to review provisions specific to noise ordinances and special events permits. In reviewing the ordinances, McPhedran believes that there are provisions, in regard to exemptions, for items approved by the City Council, within 91.43e and 91.47. McPhedran did find it reasonable to draft an ordinance that there can be provisions regarding exemptions. This is not allowing the exemptions to be allowed but it will hopefully make it even more clear to the City Council. Each and every alderman has a copy. This revised copy is similar to the prior ordinance, ordinance 91.47, in regards to the exemptions. It also sets forth specific parameters, whether the Council decides to grant it or not. The Council should review each permit application to make sure that location is applicable, timeframes, whether an alternative date is necessary, decibel levels, and the past history of applicant. McPhedran also cited other city ordinances, many of which did not have these factors set forth. But with questions raised, he thought this would be helpful to have a bit more of the specifics.

Mayor asked Attorney McPhedran if the hopes would be for the council to adopt these changes to be more specific. Mayor stated how Attorney McPhedran has done a lot of homework on this. He was able to pull from of the City's old ordinances to use a lot of the language that was already set forth but also to make it more specific to clear up some answers.

Demes reads it as the permit allows an extension to the hours but it doesn't spell out that the decibel level is allowed. The new amended ordinance states that decibel level be requested per the permit. He reads it as the council can do this on a case-by-case basis.

McPhedran stated that that this new language doesn't say it should be granted or not be granted. McPhedran reiterated that it does state that it can be done as case-by-case basis. The Council should consider all other factors.

Demes believes that a professional is needed to state what a safe decibel level is. He believes that 70 is loud, 90 does not seem safe at all. He is very happy with what Mr. Hammers has done with the property. The only complaint that the residents have is that the music is too loud.

Demes questioned why they have to have the bands be so loud. Hammers stated that he cannot control the bands. The city will be having the 303 Band soon at the Pulaski Park event and they are known to be a very loud band. Hammers plans on scheduling this same band in the near future.

Moved by Alderman Jeppson and seconded by Alderman Herndon to approve the amended city ordinance allowing noise and special events permit.

AYE: Aldermen Bacidore, Lavieri, Jeppson, Herndon, Crane

NAY: Alderman Demes, Reynolds

Absent: Alderman Ptak **Abstain:** None

MOTION CARRIED: 5-2

Mayor mentioned how this ordinance is for any business to request. Attorney McPhedran stated that this is not particular to Mr. Hammers or any other business. Attorney McPhedran does believe that good intentions will be made with the new exemptions that the council is setting in place. Other communities do not have decibel levels in their ordinance which is going to be hard for the community to even enforce.

Lavieri asked where decibel level can be measured. McPhedran stated that one place would be on the property line. McPhedran also stated that the council can allow up to 70 without an exemption. He mentioned that this amended ordinance is not just about the decibel level. This is related to if the permit should be granted, where is the surrounding community, the history of the applicant with the city, and if they have been cooperative to the city in the past. These are all factors that need to be considered to be fair to applicant and fair to neighbors.

Mayor asked McPhedran if any local establishment can apply for such a permit. McPhedran said yes, but some local establishments are in neighborhoods where they are not in a commercial zoning. These are some of the factors in regards to the surrounding community. There are all things that need to be considered to be fair for the applicant and to the neighbors.

Mayor asked Economic Development Director Inman if the Hegeler Carus permit was primarily due to leasing of city property for possibly food trucks. The applicant marked decibel level, but Inman was unaware that this was necessary to have marked. It was

believed that they marked it to have all bases covered, but the permit was primarily due to the leasing of city-owned property.

Mayor stated that they do not have to do each one individually. The city can always rescind if a problem arises. McPhedran stated that each is subject to the city to revoke for good cause. If the city gives permit without provision of subject to revoke with the right of good cause, then the city will be able to revoke. Mayor did mention that the city will still be responsible to monitor the event.

McPhedran stated that this special use permit is intended to be flexible and the council can put any restrictions and provisions that they think are necessary on a case-by-case basis.

Alderman Reynolds stated that they have had these concerts during the summers for the last 20 years and there have never been no complaints to the best of his knowledge.

Moved by Alderman Reynolds and seconded by Alderman Jeppson to approve the request of April Murphy and Cindy Waddick, of the Hegeler Carus mansion, for a special even permit to the use of city-owned property from 6 to 9pm on Fridays from June 3 through August 26 at 1307 Seventh Street with provision of subject to revoke with the right of good cause. Each and every alderman has a copy.

AYE: Aldermen Demes, Bacidore, Reynolds, Lavieri, Jeppson, Herndon, Crane

NAY: None

Absent: Alderman Ptak **Abstain:** None

MOTION CARRIED: 7-0

Alderman Demes is concerned with the decibel level of 90 and believes that this is an excessive amount. Demes wants to find out from a medical professional what a safe decibel reading is. Hammers stated that it all just amounts to the duration of sound. The louder the sound, the less time you should be around the sound before damage occurs. Hammers believes that 90 is a safe level for four hours of music.

Mrs. Manfredini is concerned with the decibel level being bumped up to 90. She questions what the neighbors should do for the four hours while the band is playing. Mr. Hammers mentioned how there will be neighbors around Pulaski Park that will be dealing with city concert also. Mrs. Manfredini stated that she enjoys music and has attended other bars that have concerts but has never been to one like Hammers' with such excessive noise. Nick Hammers recalls Mrs. Manfredini being present at his bar during a concert and staying out till 11pm one night. Manfredini admits to being there in the past, but her friends did not enjoy it and will not be going back due to the excessive volume of the music. Gary Hammers offered to buy Manfredini noise-canceling headphones for evenings when they have music, but Manfredini stated that she has

tried noise-canceling headphones in her home and they did not cancel out the excessive noise.

Demes did question Hammers for saying that the concerts were one night a month when he sees that it is three nights in May, one in June, and three in July. Demes states that this is 7 days out of the summer, when N.Hammers states it is actually 7 days out of 365.

Mayor refers back to the October city council minutes to show that decibel levels were never agreed upon. The minutes show that the only request at the time was for an increase in time, adding an hour to the current allowed timeframe.

Alderman Lavieri asked about the sound absorbing walls that were shown in his diagram. Hammers state that sound walls will be going up when weather breaks. Decibel levels have not been measured with the sound walls. They are 2-8' x 8' panels that roll together. This will cover the hole in the back of the bandshell.

Alderman Herndon stated that the decibel level can change for each song and each band, just like commercials and programs can change depending on the channel that is being watched. Herndon wants the Council to end this debate by getting this in writing to set a decibel level and get to an agreement for all parties. If a problem arises, the council can then come back to discuss.

Herndon motioned to approve this special permit request. Before the motion got seconded, Mayor asked for a straw vote in regards to whether to continue this approval of this special permit request without Alderman Ptak in attendance. Alderman Demes did not want to proceed. He still believes that a medical professional's opinion was needed to state what the safe decibel level is. Alderman Bacidore did mention how well the City of LaSalle has been doing with adding more and more things for the city and moving forward. Bacidore mentions how the city-backed up Hammers for all the property that he has redeveloped for the city. He doesn't understand why the council is now wanting to stop him from doing what he is doing. There is noise constantly going back and forth around this area. The majority of the council (4-3) did ask for the motion to proceed.

Moved by Alderman Herndon and seconded by Alderman Jeppson to approve the request of Gary Hammers, of the Gateway to LaSalle, for a special event permit to allow an extension of hours for outdoor music and an increase of decibel level to 85, unless told by professional that this is an unsafe level, from 7 to 11pm on May 14, May 21, May 28, June 10, July 1, July 9, July 23, at 328 Third Street with provision of subject to revoke with the right of good cause. Each and every alderman has a copy.

AYE: Aldermen Bacidore, Lavieri, Jeppson, Herndon, Crane

NAY: Alderman Demes, Reynolds

Absent: Alderman Ptak **Abstain:** None

MOTION CARRIED: 5-2**NEW BUSINESS**

Alderman Bacidore mentioned how the windows were back in on the building on 1st and Joliet.

Mayor Grove mentioned that the 24th St./Wenzel Rd. Project will be starting shortly. This will shut down the 24th St./Wenzel Rd. for approximately 3 months.

Mayor mentioned that if the following ordinance gets approved tonight the city will be able to put this in the publication for the MFT program to start the bid process. After April 18, the city can start accepting the bids.

ORDINANCES/RESOLUTIONS

Moved by Alderman Demes and seconded by Alderman Reynolds to approve the resolution for maintenance under the Illinois Highway code (various streets in the community).

AYE: Aldermen Demes, Bacidore, Reynolds, Lavieri, Jeppson, Herndon, Crane

NAY: None

Absent: Alderman Ptak **Abstain:** None

MOTION CARRIED: 7-0**COMMENTS**

Alderman Herndon asked if the city has proposed any fines to the Kaskaskia. The City has not yet. They are looking into doing that very soon. Herndon mentioned that he has had a few residents ask about it.

Alderman Herndon also asked about the Bernardi's building downtown. Mayor stated that Inman is working on that property.

Alderman Crane asked about the old JDs building. The building looks ruined now. The owner had a plan and now no work has happened in a while.

Alderman Bacidore asked about the dome at 1st and Crosat. Inman stated that she was aware of that property and there has been some interest of that property.

Inman did want the Council to know about the Lighted Way/Uptown Spaghetti Dinner is April 25th from 430pm-730pm.

Inman stated that the Starved Rock Family Campground is the old Hickory Hallow. There will be 100 RV hookups and 50 tent campsites. May 20th will be their opening date. It is located at the northwest corner of Highway 178 and I-80.

Demes wanted to make one comment about how he feels after all the discussions that were had here tonight. He knows cities are continuing to focus on new economic development and the new tax money. La Salle has been very successful with the downtown. The city seems to be so hungry for new tax dollars and the city seems to be forgetting about the residents of the city. The city wants to continue to just focus on the economic development of the city over how the city residents feel. The Council and Finance Director have done an excellent job to reduce the debt. He feels that the residents do not have a shot and is just upset with what was discussed here tonight.

Clerk Bader mentioned the upcoming e-recycling event this Saturday, March 26. Preregistration is required. There are already 300 people signed up. There are still openings and they will take reservations up to the date. Demes did question about the TV allotment. Two TVs per residents are allowed. If there are two residents that come out together, and both are signed up, then they can bring out 4 TVs total.

APPROVAL OF BILLS

Moved by Alderman Lavieri and seconded by Alderman Jeppson to accept, pay, and place on file bills for March 7, 2022 with Total Submitted: \$548,909.08 (Total Payroll \$165,723.00, Bills to be paid \$315,908.65, Total Bills Paid \$67,277.43). Each and every alderman has a copy.

AYE: Aldermen Demes, Bacidore, Reynolds, Lavieri, Jeppson, Herndon, Crane

NAY: None

Absent: Alderman Ptak **Abstain:** None

MOTION CARRIED: 7-0

Moved by Alderman Reynolds and seconded by Alderman Crane to adjourn the meeting.

Voice vote, all ayes. Motion is carried.

ADJOURNED 7:27 pm

A handwritten signature in black ink, appearing to read "Amy Quinn". The signature is fluid and cursive, with "Amy" on the first line and "Quinn" on the second line.

Amy Quinn, City Clerk