

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF DES PLAINES, ILLINOIS HELD IN THE ELEANOR ROHRBACH MEMORIAL COUNCIL CHAMBERS, DES PLAINES CIVIC CENTER, MONDAY, AUGUST 15, 2022

CALL TO ORDER

The regular meeting of the City Council of the City of Des Plaines, Illinois, was called to order by Mayor Goczkowski at 7:00 p.m. in the Eleanor Rohrbach Memorial Council Chambers, Des Plaines Civic Center on Monday, August 15, 2022.

ROLL CALL

Roll call indicated the following Aldermen present: Lysakowski, Moylan, Oskerka, Chester, Smith, Ebrahimi. Absent: Zadrozny, Brookman. A quorum was present.

Also present were: City Manager Bartholomew, Assistant City Manager/Director of Finance Wisniewski, Director of Public Works and Engineering Oakley, Director of Community and Economic Development Carlisle, Fire Chief Anderson, Police Chief Anderson, and General Counsel Friedman.

PRAYER AND PLEDGE

The prayer and the Pledge of Allegiance to the Flag of the United States of America were offered by Alderman Smith.

PROCLAMATION

City Clerk Mastalski read a proclamation by Mayor Goczkowski declaring August 21, 2022 as National Senior Citizens Day.

Mayor Goczkowski presented the proclamation to Stephen Samuelson, President and CEO of the Frisbie Senior Center and senior center members.

PUBLIC COMMENT

Resident Jennifer Toner addressed the City Council stating she is seeking assistance regarding an eight-foot fence constructed on her neighbor's property.

A couple residents addressed the City Council regarding the content of letter from a staff member with Union Pacific regarding the Graceland/Webford development.

ALDERMAN ANNOUNCEMENTS

Alderman Oskerka mentioned the Self-Help Closet & Pantry of Des Plaines is having their annual Putt for the Pantry on August 27, 2022 from 4:00 p.m. to 8:00 p.m. at Lake Park.

Alderman Smith stated the Des Plaines Camera Club is having 56 images of various Des Plaines sites on display at the Des Plaines Library from September 6, 2022 through the end of the month.

MAYORAL ANNOUNCEMENTS

On May 3, 2021, a Declaration of Civil Emergency for the City of Des Plaines related to the COVID-19 emergency was authorized. The Declaration provided that: (1) the City may enter into contracts for the emergency purchase of goods and services; (2) the City Manager may implement emergency staffing protocols pursuant to the City's respective collective bargaining agreements; and (3) directed City officials and employees to cooperate with other government agencies.

In accordance with Illinois statutes, the Mayor's Declaration lasted only for a period of seven days, unless it was extended by action of the City Council. At each subsequent City Council meeting, the City Council, by motion, extended the Declaration until the next adjournment of the next special or City Council meeting. This extension of the Declaration includes the Supplemental Order dated January 3, 2022.

Mayor Goczkowski presented an extension to the Declaration of Civil Emergency.

Moved by Chester, seconded by Oskerka, to extend the May 3, 2021 Declaration of Civil Emergency until the adjournment of the next regular, special, or emergency meeting of the City Council including the Supplement Order dated January 3, 2022.

Upon roll call, the vote was:

AYES: 6 - Lysakowski, Moylan, Oskerka,
Chester, Smith, Ebrahimi

NAYS: 0 - None

ABSENT: 2 - Zadrozny, Brookman

Motion declared carried.

CONSENT AGENDA

Moved by Chester, seconded by Smith, to Establish the Consent Agenda.

Upon voice vote, the vote was:

AYES: 6 - Lysakowski, Moylan, Oskerka,
Brookman, Chester, Smith, Ebrahimi

NAYS: 0 - None

ABSENT: 2 - Zadrozny, Brookman

Motion declared carried.

Moved by Chester, seconded by Smith, to Approve the Consent Agenda.

Upon roll call, the vote was:

AYES: 6 - Lysakowski, Moylan, Oskerka,
Chester, Smith, Ebrahimi

NAYS: 0 - None

ABSENT: 2 - Zadrozny, Brookman

Motion declared carried.

Minutes were approved; Resolutions R-123-22, R-131-22, R-141-22, R-142-22, R-143-22, R-144-22, R-145-22 were adopted.

APPROVE CNTRCT/ SW SNOW REM/ DGO PREM SVCS Consent Agenda

Moved by Chester, seconded by Smith, to Approve Resolution R-141-22, A RESOLUTION APPROVING THE SECOND RENEWAL OF A CONTRACT WITH DGO PREMIUM SERVICES CO. FOR SIDEWALK SNOW REMOVAL SERVICES. Motion declared carried as approved unanimously under Consent Agenda.

Resolution R-141-22

APPROVE TSK ORD NO 3/ SNOW PLOW/ G&L CONTRS Consent Agenda

Moved by Chester, seconded by Smith, to Approve Resolution R-142-22, A RESOLUTION APPROVING TASK ORDER NO. 3 WITH G&L CONTRACTORS, INC. FOR SNOW PLOWING SERVICES. Motion declared carried as approved unanimously under Consent Agenda.

Resolution R-142-22

APPROVE 1ST AMD TO CNTRCT/ TREE MAINT/ LDSCP CONCEPT MGMT Consent Agenda

Moved by Chester, seconded by Smith, to Approve Resolution R-143-22, A RESOLUTION APPROVING A FIRST AMENDMENT TO THE CONTRACT WITH LANDSCAPE CONCEPT MANAGAGEMENT, INC. FOR TREE MAINTENANCE SERVICES. Motion declared carried as approved unanimously under Consent Agenda.

Resolution R-143-22

**APPROVE CNTRCT/
PRO AUDIT SVCS/
CROWE LLP**
Consent Agenda

Moved by Chester, seconded by Smith, to Approve Resolution R-144-22, A RESOLUTION APPROVING A CONTRACT WITH CROWE LLP FOR PROFESSIONAL AUDIT SERVICES. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-144-22**

**APPROVE JFA/
MAINT OF RIV
GAUGE/ USGS**
Consent Agenda

Moved by Chester, seconded by Smith, to Approve Resolution R-145-22, A RESOLUTION APPROVING A JOINT FUNDING AGREEMENT WITH THE UNITED STATES GEOLOGICAL SURVEY FOR THE OPERATION AND MAINTENANCE OF A RIVER GAUGE. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-145-22**

**APPROVE & AUTH
LEASE AGRMT/
ANT ON WTR TWR/
NICOR**
Consent Agenda

Moved by Chester, seconded by Smith, to Approve Resolution R-123-22, A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT BETWEEN THE CITY OF DES PLAINES AND NORTHERN ILLINOIS GAS COMPANY REGARDING A COMMUNICATIONS ANTENNA ON THE WATER TOWER AT GOLF AND RIVER ROADS. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-123-22**

**APPROVE
MINUTES**
Consent Agenda

Moved by Chester, seconded by Smith, to Approve the Minutes of the City Council meeting of August 1, 2022, as published. Motion declared carried as approved unanimously under Consent Agenda.

**APPROVE AGRMT
TO CBA/ IAFF
LOCAL 4211**
Consent Agenda

Moved by Chester, seconded by Smith, to Approve Resolution R-131-22, A RESOLUTION APPROVING A SIDE LETTER AGREEMENT TO THE COLLECTIVE BARGAINING AGREEMENT WITH THE DES PLAINES PROFESSIONAL FIREFIGHTERS UNION - INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS LOCAL 4211. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-131-22**

**APPROVE
MINUTES**
Consent Agenda

Moved by Chester, seconded by Smith, to Approve the Closed Session Minutes of the City Council meeting of August 1, 2022, as published. Motion declared carried as approved unanimously under Consent Agenda.

NEW BUSINESS

FINANCE & ADMINISTRATION – Alderman Moylan, Vice-Chair

**WARRANT
REGISTER**
Resolution
R-146-22

Alderman Moylan presented the Warrant Register.

Moved by Moylan, seconded by Oskerka, to Approve the Warrant Register of August 15, 2022 in the Amount of \$2,661,646.89 and Approve Resolution R-146-22.

Upon roll call, the vote was:

AYES: 6 - Lysakowski, Moylan, Oskerka,
Chester, Smith, Ebrahimi

NAYS: 0 - None

ABSENT: 2 - Zadrozny, Brookman

Motion declared carried.

COMMUNITY DEVELOPMENT - Alderman Chester, Chair**CONSIDER
SUPPORTING AND
CONSENTING TO
THE APPROVAL OF
CLASS 6B FOR
580 S WOLF RD
Resolution
R-140-22**

Director of Community & Economic Development Carlisle reviewed a memorandum dated August 4, 2022.

Applicant 580 S Wolf Rd LLC (Manager: Jan Leja, also of Highlander Transportation) is the contract purchaser of 580 S. Wolf Road. The applicant is requesting a resolution supporting a Cook County Class 6b Property Tax Incentive (6b). Qualified industrial properties are assessed at 10% of market value for the first 10 years, 15% in the 11th year and 20% in the 12th year. Normally such properties are assessed at 25% of market value. This application is based on the New Construction eligibility criterion.

The subject property consists of an 8.5-acre vacant site. The land is currently zoned M-2 General Manufacturing District and allows for a number of industrial uses. If approved, the applicant intends to purchase the property and construct an approximately 63,000-square-foot distribution facility to become the new home of Highlander Transportation. Distribution facilities are a permitted use in the M-2 Zoning District.

The applicant projects the property value after full construction at approximately \$16 million. This value far exceeds the minimum \$10-per-building-square-foot of investment typically required for City support to 6b applications. The proposed facility will face South Wolf Road and include 94 parking spaces, 66 trailer parking spaces, 27 exterior dock doors, fueling stations, and truck scales.

The applicant expects to move 70 of its 100 current full-time employees to this site. The applicant anticipates that if the company grows at its expected rate, it will grow to have approximately 100-140 employees at the site in the next 2-5 years. The job number exceeds the City's minimum expectation for number of employees (50) to be generated by a new construction project after two years.

Tax Impact Scenarios (First 10 Years):

1. Estimated annual taxes as is (no improvements, no 6b): \$146,661
2. Estimated annual taxes with proposed improvements with a 6b: \$483,510
3. Estimated annual taxes with proposed improvements without a 6b: \$1,208,775

Alderman Oskerka asked the applicant a few questions - he asked about hours of operation, number of vehicles on the property, expected traffic, fencing, and sound mitigation.

Representatives of the applicant answered the questions from Alderman Oskerka.

A couple residents expressed their concern with the effect of the business on the tranquility of the neighborhood; stating they would like a limitation of hours of operation and a sound muffling barrier. They asked the City Council to take into consideration what is best for the residential neighborhood, and to consider the previous consent decree associated with this property.

Representatives of the applicant stated they would commit to a sound barrier, but due to the nature of the transportation business, they cannot commit to a limitation of operating hours.

Resident Rick Grubbs addressed the setback of the property line from the railroad.

Moved by Oskerka, seconded by Moylan, to Approve the Resolution R-140-22, A RESOLUTION SUPPORTING AND CONSENTING TO APPROVAL OF CLASS 6B CLASSIFICATION FOR THE PROPERTY AT 580 S WOLF RD.

Upon roll call, the vote was:

AYES: 6 - Lysakowski, Moylan, Oskerka,
Chester, Smith, Ebrahimi

NAYS: 0 - None

ABSENT: 2 - Zadrozny, Brookman

Motion declared carried.

LEGAL & LICENSING - Alderman Chester, Vice-Chair

CONSIDER THE SUBMISSION OF A PUBLIC QUESTION TO ELIMINATE TERM LIMITS FOR ELECTED MUNICIPAL OFFICIALS **Resolution R-147-22**

The City Attorney prepared a resolution authorizing the submission of a public question asking whether term limits for all elected officials should be eliminated. The question would appear on the ballot as “Shall the City of Des Plaines eliminate term limits for each elected official in the City?”.

If the resolution is adopted, the resolution will be forwarded to the appropriate election authorities, and the referendum question will be placed on the November 8, 2022 election ballot, or at the next available election permitted by election law.

If a majority of voters vote “YES” on the question, then the City will have the authority to amend the City Code to eliminate term limits for all elected officials. If the majority of voters vote “NO” on the question, then the existing term limits will remain in place.

Mayor Goczkowski stated he would like the position of the Mayor to be excluded from consideration of eliminating term limits, having the referendum only apply to the Aldermen and City Clerk.

Alderman Oskerka asked City Clerk Mastalski to comment on the proposed referendum question.

City Clerk Mastalski expressed her opinion on the whether term limits for the position of the City Clerk should be eliminated.

Resident John Maag expressed his objection to eliminating term limits, and stated he would like the City to limit the amount of terms an individual can serve overall.

Resident Jordan Minerva stated he would like historical perspective regarding the referendum that implemented term limits.

Alderman Chester stated an issue with term limits is that an alderman becomes a lame duck during the second term; stating the alderman is not accountable to voters because they cannot run for reelection.

Resident Pat Beauvais gave insight on the referendum and the ordinance implementing term limits since she was alderman at the time it was adopted.

Resident Alex Coologeorgen asked for clarification on whether the referendum is binding.

General Counsel Friedman stated in 1998 the referendum was adopted and the City operated as if that was the law without amending the ordinance until 2003; he stated the expectation is if the referendum is adopted then that will become the City Council law.

Resident Jennifer Poonsapaya asked why the issue is being voted on again, and who requested this to be voted on again.

Alderman Lysakowski stated he requested to move forward with this resolution based on the lame duck theory.

Resident Marian Cosmides stated she does not agree with the lame duck theory and questioned why this is being brought up again. She also mentioned the Union Pacific letter regarding the Graceland/Webford project.

Resident Max mentioned the letter from Union Pacific, and asked which aldermen are in their second term.

Alderman Oskerka stated he believed this should be considered for the November ballot since that is when the City sees the greatest voter turnout.

Resident Thomas Lovestrand stated he would like the City Council to delay a vote on the resolution.

General Counsel Friedman clarified that the question based on the amended motion would be "Shall the City of Des Plaines eliminate term limits for the Alderman and City Clerk?".

Moved by Chester, seconded by Lysakowski, to Approve as Amended, making the language apply only to the Aldermen and City Clerk, and not the Mayor, the Resolution R-147-22, A RESOLUTION INITIATING THE SUBMISSION OF A PUBLIC QUESTION TO ELIMINATE TERM LIMITS FOR ELECTED MUNICIPAL OFFICIALS.

Upon roll call, the vote was:

AYES: 5 - Lysakowski, Moylan, Oskerka,
Chester, Ebrahimi

NAYS: 1 - Smith

ABSENT: 2 - Zadrozny, Brookman

Motion declared carried.

Resident Janet Bar asked for further clarification regarding the Union Pacific letter. She asked for a consideration of a revote on the Graceland/Webford development zoning based on the author of the letter's request for a minimal structure setback from the tracks.

ADJOURNMENT

Moved by Chester, seconded by Oskerka to adjourn the meeting. The meeting adjourned at 8:21 p.m.

/s/ Jessica M. Mastalski
Jessica M. Mastalski – CITY CLERK

APPROVED BY ME THIS 6th

DAY OF September, 2022

/s/ Andrew Goczkowski
Andrew Goczkowski, MAYOR