

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, JUNE 19, 2023

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 6:31 p.m. in the Eleanor Rohrbach Memorial Council Chambers, Des Plaines Civic Center on Monday, June 19, 2023.

ROLL CALL

Roll call indicated the following Aldermen present: Lysakowski, Oskerka, Sayad, Brookman, Walsten. Absent: Moylan, Smith, Charewicz. A quorum was present.

CLOSED SESSION

Moved by Oskerka, seconded by Sayad, to convene into Closed Session under the following sections of the Open Meetings Act – Probable or Imminent Litigation, Personnel, Sale of Property, Purchase or Lease of Property, and Litigation.

Upon roll call, the vote was:

AYES: 5 - Lysakowski, Oskerka, Sayad,
Brookman, Walsten

NAYS: 0 - None

ABSENT: 3 - Moylan, Smith, Charewicz

Motion declared unanimously carried.

The City Council recessed at 6:34 p.m.

The City Council reconvened at 7:00 p.m.

Roll call indicated the following Alderman present: Lysakowski, Moylan, Oskerka, Sayad, Brookman, Walsten. Absent: Smith, Charewicz. 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 Mayor Goczkowski.

PROCLAMATION

City Clerk Mastalski read a proclamation by Mayor Goczkowski declaring June 19, 2023 as Juneteenth Day.

PUBLIC COMMENT

Resident Dr. McKernan expressed her opinion that there is a need for a stoplight at Mannheim Road and Pratt Street.

Resident Chris Scanlon expressed her objection to the proposed development at Graceland Avenue and Thacker Street.

Resident Hanna Pair expressed her objection to the proposed development at Graceland Avenue and Thacker Street.

ALDERMAN ANNOUNCEMENTS

Alderman Lysakowski thanked staff for the success of the Taste of Des Plaines.

Alderman Sayad also thanked staff for their work with the Taste of Des Plaines, and for repair of the recent water main breaks.

Alderman Brookman also applauded staff and volunteers for the Taste of Des Plaines.

Alderman Walsten commended staff for their quick response to the recent water main breaks. He also inquired to staff about the total funds the City received from the American Rescue Plan Act.

**MAYORAL
ANNOUNCEMENTS**

Mayor Goczkowski mentioned the travelling Korean War Memorial, hosted by American Legion Post 36, will be at Lake Opeka on Friday, June 23rd – Sunday, June 25th.

CONSENT AGENDA

Moved by Sayad, seconded by Lysakowski, to Establish the Consent Agenda.

Upon voice vote, the vote was:

AYES: 6 - Lysakowski, Moylan, Oskerka,
Sayad, Brookman, Walsten

NAYS: 0 - None

ABSENT: 2 - Smith, Charewicz

Motion declared carried.

Moved by Brookman, seconded by Lysakowski, to Approve the Consent Agenda.

Upon roll call, the vote was:

AYES: 6 - Lysakowski, Moylan, Oskerka,
Sayad, Brookman, Walsten

NAYS: 0 - None

ABSENT: 2 - Smith, Charewicz

Motion declared carried.

Minutes were approved; Ordinance M-13-23 was approved; Resolutions R-110A-23, R-111-23, R-112-23, R-113-23, R-114-23, R-115-23, R-116-23 were adopted.

**APPROVE TSK ORD
3/ WTR TOWER REP/
DIXON ENG**

Consent Agenda

Moved by Brookman, seconded by Lysakowski, to Approve Resolution R-110A-23, A RESOLUTION APPROVING TASK ORDER NO. 3 UNDER A MASTER CONTRACT WITH DIXON ENGINEERING, INC. FOR PROFESSIONAL ENGINEERING SERVICES RELATED TO WATER TOWER REPAIRS. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-110A-23**

**AUTH PURCH/ UPFIT
EQUIP/ REG TRK EQ**

Consent Agenda

Moved by Brookman, seconded by Lysakowski, to Approve Resolution R-111-23, A RESOLUTION AUTHORIZING THE PURCHASE OF UPFITTING EQUIPMENT FOR A FORD F-350 TRUCK CHASSIS FROM REGIONAL TRUCK EQUIPMENT THROUGH SOURCEWELL MUNICIPAL PRICING. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-111-23**

**AUTH PURCH/ UPFIT
EQUIP/ HENDERSON**

Consent Agenda

Moved by Brookman, seconded by Lysakowski, to Approve Resolution R-112-23, A RESOLUTION AUTHORIZING THE PURCHASE OF UPFITTING EQUIPMENT FOR FOUR FORD F-450 TRUCK CHASSIS FROM HENDERSON PRODUCTS, INC. THROUGH SOURCEWELL MUNICIPAL PRICING. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-112-23**

**APPROVE TSK ORD
4/ PROF ENG SVCS/
C.B.B.E.**

Consent Agenda

Moved by Brookman, seconded by Lysakowski, to Approve Resolution R-113-23, A RESOLUTION APPROVING TASK ORDER NO. 4 WITH CHRISTOPHER B. BURKE ENGINEERING LTD. FOR PROFESSIONAL ENGINEERING SERVICES. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-113-23**

**AUTH ADD EXPEND/
RECONSTR OF
WOLF RD/ IDOT
Consent Agenda**

Moved by Brookman, seconded by Lysakowski, to Approve Resolution R-114-23, A RESOLUTION AUTHORIZING AN ADDITIONAL EXPENDITURE UNDER AN AGREEMENT WITH THE ILLINOIS DEPARTMENT OF TRANSPORTATION FOR THE RECONSTRUCTION OF WOLF ROAD AT WELLER’S DITCH. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-114-23**

**APPROVE
CONTRACT/ TURN
LANE IMPROVE/
ORANGE CRUSH
Consent Agenda**

Moved by Brookman, seconded by Lysakowski, to Approve Resolution R-115-23, A RESOLUTION APPROVING A CONTRACT WITH ORANGE CRUSH LLC FOR TURN LANE IMPROVEMENTS RELATED TO THE HALSTON MARKET DEVELOPMENT PUBLIC IMPROVEMENTS AT 1050 E. OAKTON ST. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-115-23**

**APPROVE CHG ORD
3/ PLAN REV & BLDG
INSPECT SVCS/ H.R.
GREEN
Consent Agenda**

Moved by Brookman, seconded by Lysakowski, to Approve Resolution R-116-23, A RESOLUTION APPROVING CHANGE ORDER NO. 3 TO A CONTRACT WITH H.R. GREEN, INC. FOR PLAN REVIEW AND BUILDING INSPECTION SERVICES. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-116-23**

**AMD CITY CODE/
ANTIQU VEHICLE
PARK
Consent Agenda**

Moved by Brookman, seconded by Lysakowski, to Approve First Reading of Ordinance M-13-23, AN ORDINANCE AMENDING SECTIONS 7-3-2 AND 7-10-6 OF THE DES PLAINES CITY CODE REGARDING ANTIQUE VEHICLE PARKING WITHIN THE CITY. Motion declared carried as approved unanimously under Consent Agenda.

**Ordinance
M-13-23**

**APPROVE
MINUTES
Consent Agenda**

Moved by Brookman, seconded by Lysakowski, to Approve the Minutes of the City Council meeting of June 5, 2023, as published. Motion declared carried as approved unanimously under Consent Agenda.

**APPOINTMENTS/
RE-APPOINTMENTS**

Mayor Goczowski read the following appointment for consideration; no action was required:

LIBRARY BOARD OF TRUSTEES

APPOINTMENTS:

Nazneen Kapadia Term to Expire 7/17/26
Rachel Rice Term to Expire 7/17/26

RE-APPOINTMENTS:

Lisa Du Brock Term to Expire 7/17/25
Kristen Graack Term to Expire 7/17/25
Christine Halblander Term to Expire 7/17/25
Dr. Gregory Sarlo Term to Expire 7/17/25
Michelle Shimon Term to Expire 7/17/25

Nicholas Harkovich Term to Expire 7/17/26
Denise Hudec Term to Expire 7/17/26

UNFINISHED BUSINESS

CONSIDER AUTHORIZING THE ACQUISITION THROUGH CONDEMNATION OF FEE SIMPLE TITLE TO THE PROPERTY LOCATED AT 1504 MINER ST
Ordinance M-3-23

The City Council has provided direction to City Staff and the General Counsel to move forward with the acquisition of the Property located at 1504 Miner Street. Since that direction was given, the City has been attempting to engage the owner of the Subject Property in negotiations with the goal of reaching a mutual agreement on a price at which the owner would be willing to sell the Subject Property to the City and at which the City would be willing to purchase the Property from the owner.

The City intends to make a best and final offer in an effort to acquire the Subject Property at a fair price in a voluntary transaction. The ordinance authorizes the acquisition of the Property through eminent domain proceedings if that offer is rejected.

The owner of the property spoke on his own behalf.

Moved by Moylan, seconded by Walsten, to Approve First Reading of Ordinance M-3-23, AN ORDINANCE AUTHORIZING THE ACQUISITION THROUGH CONDEMNATION OF FEE SIMPLE TITLE TO THE PROPERTY LOCATED AT 1504 MINER STREET.

No Vote.

Moved by Sayad, seconded by Brookman, to Defer to the second meeting of July, the Ordinance M-3-23, AN ORDINANCE AUTHORIZING THE ACQUISITION THROUGH CONDEMNATION OF FEE SIMPLE TITLE TO THE PROPERTY LOCATED AT 1504 MINER STREET.

Upon roll call, the vote was:

- AYES: 2 - Sayad, Brookman
- NAYS: 4 - Lysakowski, Moylan, Oskerka, Walsten
- ABSENT: 2 - Smith, Charewicz

Motion failed.

Moved by Moylan, seconded by Walsten, to Approve First Reading of Ordinance M-3-23, AN ORDINANCE AUTHORIZING THE ACQUISITION THROUGH CONDEMNATION OF FEE SIMPLE TITLE TO THE PROPERTY LOCATED AT 1504 MINER STREET.

Upon roll call, the vote was:

- AYES: 4 - Lysakowski, Moylan, Oskerka, Walsten
- NAYS: 2 - Sayad, Brookman
- ABSENT: 2 - Smith, Charewicz

Motion declared carried.

NEW BUSINESS

FINANCE & ADMINISTRATION – Alderman Sayad, Chair

WARRANT REGISTER
Resolution R-118-23

Alderman Sayad presented the Warrant Register.

Moved by Sayad, seconded by Brookman, to Approve the Warrant Register of June 19, 2023 in the Amount of \$6,727,307.44 and Approve Resolution R-118-23.

Upon roll call, the vote was:

- AYES: 6 - Lysakowski, Moylan, Oskerka, Sayad, Brookman, Walsten
- NAYS: 0 - None
- ABSENT: 2 - Smith, Charewicz

Motion declared carried.

COMMUNITY DEVELOPMENT – Alderman Moylan, Chair

CONSIDER
AUTHORIZING THE
ACQUISITION
THROUGH
CONDEMNATION OF
FEE SIMPLE TITLE
TO 1374-1384 EAST
OAKTON AVE
Ordinance
M-12-23

City Manager Bartholomew reviewed a memorandum dated June 9, 2023.

The City Council provided direction to Staff and the City Attorney to move forward with the acquisition of the Property located at 1374 – 1384 East Oakton Avenue. The City has been attempting to engage the owner of the Property in negotiations with the goal of reaching a mutual agreement on a price at which the owner would be willing to sell the Property to the City and at which the City would be willing to purchase the Property from the owner. The City and the owner entered into an October 17, 2022 Real Estate Purchase and Sale Agreement, pursuant to which the owner and the City had agreed that the City would acquire the Property for a purchase price of \$290,000.00. However, the owner recently informed the City that it is now unwilling to proceed with the transaction in accordance with the PSA.

The City intends to make a best and final offer in an effort to acquire the Property at a fair price in a voluntary transaction. The ordinance authorizes the acquisition of the Property through eminent domain proceedings if that offer is rejected.

Moved by Walsten, seconded by Lysakowski, to Approve First Reading of Ordinance M-12-23, AN ORDINANCE AUTHORIZING THE ACQUISITION THROUGH CONDEMNATION OF FEE SIMPLE TITLE TO THE PROPERTY LOCATED AT 1374 – 1384 EAST OAKTON AVENUE.

Upon voice vote, the vote was:

AYES: 5 - Lysakowski, Moylan, Oskerka,
Brookman, Walsten

NAYS: 1 - Sayad

ABSENT: 2 - Smith, Charewicz

Motion declared carried.

Advanced to second reading by Moylan, seconded by Brookman, to Adopt the Ordinance M-12-23, AN ORDINANCE AUTHORIZING THE ACQUISITION THROUGH CONDEMNATION OF FEE SIMPLE TITLE TO THE PROPERTY LOCATED AT 1374 – 1384 EAST OAKTON AVENUE.

Upon roll call, the vote was:

AYES: 6 - Lysakowski, Moylan, Oskerka,
Brookman, Walsten; Mayor Goczkowski

NAYS: 1 - Sayad

ABSENT: 2 - Smith, Charewicz

Motion declared carried.

CONSIDER
APPROVING A
MAJOR VARIANCE
FOR THE USE OF A
TEMP CLASSROOM
AT 260 DULLES RD
Ordinance
Z-11-23

Director of Community & Economic Development Carlisle reviewed a memorandum dated June 7, 2023.

The petitioner, Ron O’Connor on behalf of the Community Consolidated School District 59, has requested a Major Variation to allow a year extension for the use of a temporary classroom structure in the R-1 Single Family Residential district at 260 Dulles Road, which was installed on the subject property in 2022 and is permitted for up to a year unless an active construction project on the subject property requires its continued use. The subject property is at the northeast corner of the Dulles Road/Brentwood Avenue intersection and consists of a 3.28-acre lot with a 59,452-square-foot, one-story school building, playground area, bus and passenger car drop-off/pickup areas, and recreational area. The temporary structure currently installed on the subject property consists of two separate classroom spaces and a restroom totaling 1,650 square feet in area and 8.5 feet in height. It is located along the east school building elevation on a dust-free paved surface with access from the north.

The current zoning certificate was awarded on August 2, 2022 and is valid for one year, currently set to expire on August 2, 2023, requiring the removal of the structure.

The petitioner requests the extension of the zoning certificate for another year to allow the school district to finalize plans. This proposal does not include any changes to the existing temporary classroom structure itself or its location on the subject property.

In addition, the petitioner has also provided plans related to a potential expansion of the school building including the addition of two new classrooms and enlarged gym space.

The PZB voted 7-0 to recommend approval of the major variation request.

Moved by Walsten, seconded by Sayad, to Approve First Reading of Ordinance Z-11-23, AN ORDINANCE APPROVING A MAJOR VARIATION TO ALLOW A ONE-YEAR EXTENTION OF THE USE OF A TEMPORARY CLASSROOM STRUCTURE AT 260 DULLES ROAD, DES PLAINES, ILLINOIS (Case #23-021-V).

Upon voice vote, the vote was:

AYES: 6 - Lysakowski, Moylan, Oskerka,
Sayad, Brookman, Walsten

NAYS: 0 - None

ABSENT: 2 - Smith, Charewicz

Motion declared carried.

Advanced to second reading by Sayad, seconded by Brookman, to Adopt the Ordinance Z-11-23, AN ORDINANCE APPROVING A MAJOR VARIATION TO ALLOW A ONE-YEAR EXTENTION OF THE USE OF A TEMPORARY CLASSROOM STRUCTURE AT 260 DULLES ROAD, DES PLAINES, ILLINOIS (Case #23-021-V).

Upon roll call, the vote was:

AYES: 6 - Lysakowski, Moylan, Oskerka,
Sayad, Brookman, Walsten

NAYS: 0 - None

ABSENT: 2 - Smith, Charewicz

Motion declared carried.

**CONSIDER ZONING
TEXT AMENDMENTS
REGARDING LSARS**

**Ordinance
Z-12-23**

Director of Community & Economic Development Carlisle reviewed a memorandum dated June 8, 2023.

The petitioner is proposing zoning text amendments to Section 12-11-8 of the Zoning Ordinance to: (i) allow commercial or institutional developments with multiple buildings to establish a LASR; and (ii) create an allowance for changes to a LASR sign plan with certain restrictions.

The full proposed amendments are attached and are summarized below:

Section 12-11-8, Localized Alternative Sign Regulations: Modify this section accordingly:

- Modify Section 12-11-8.A, “Authority,” to add an allowance for “multi-building commercial or institutional developments”.
- Add subsection E, “Changes to a Localized Alternative Sign Regulation After Approval,” to identify major versus minor changes to a LASR Sign Plan and provide an allowance for changes to a LASR Sign Plan without City Council approval but with certain restrictions.

The PZB recommended approval 7-0 of the amendments as written.

Moved by Sayad, seconded by Lysakowski, to Approve First Reading of Ordinance Z-12-23, AN ORDINANCE AMENDING THE TEXT OF THE DES PLAINES ZONING ORDINANCE REGARDING LOCALIZED ALTERNATIVE SIGN REGULATIONS.

Upon voice vote, the vote was:

AYES: 6 - Lysakowski, Moylan, Oskerka, Sayad, Brookman, Walsten

NAYS: 0 - None

ABSENT: 2 - Smith, Charewicz

Motion declared carried.

CONSIDER
APPROVING A
CONDITIONAL USE
PERMIT FOR A FOOD
PROCESSING EST AT
984 LEE ST
Ordinance
Z-13-23

Director of Community & Economic Development Carlisle reviewed a memorandum dated June 8, 2023.

The petitioner, Sang Chul Hong, is proposing a conditional use to allow a food processing establishment at 984 Lee St.

The business, 5000 Years Foods, processes kimchi, a fermented vegetable product commonly consumed with Korean cuisine. The company has operated for more than 30 years in Chicago at 3465 Kimball Ave. The petitioner previously leased property for their business, but are seeking to expand their business and purchased 984 Lee St.

The kimchi production process involves chopping cabbage, radish, and green onion, and placing them in salt water with seasoning and spices. No preservatives or other chemicals are used by this facility in the processing of their kimchi product. The kimchi is individually jarred and distributed to retailers in sizes ranging from 16 ounces to five-gallon tubs.

The proposed hours of operation are Monday through Friday from 8 a.m. to 4 p.m. The total number of employees proposed are six office employees and six warehouse employees, for a total of twelve employees. 5000 Years Foods is solely a food processor and does not intend to have direct retail operations at this time.

According to the petitioner, limited noise and odor are generated by this use. The supplies used to produce kimchi include a vegetable mixer, specialty cabbage and radish cutters, and a garlic grinder. Two commercial grade walk-in coolers will be installed inside the building. Loading/unloading will take place within the interior loading dock, limiting noise production and fumes in the area surrounding the building.

All production will occur indoors, confining odors to inside the building. No cooking or boiling of the vegetables occurs with kimchi, unlike sauerkraut and other similar cabbage dishes. As part of the improvements to the building, the building’s central heating and cooling will provide ventilation throughout the building, limiting areas of concentrated odor. Daily dumpster pickups are scheduled for this property and included as a condition of approval, to limit odor and pest generation.

The petitioner provided a proposed pest control plan for the building and an email discussing the previous FDA Pest Control Observation. Staff was also provided invoices for pest control contracts at their previous facility for the last year and they will be required to provide the contract for their facility during the business registration and inspection process.

All loading and unloading will occur in the loading dock inside the building, accessed from Oakwood Avenue, a local street. The loading/unloading of kimchi will involve a forklift and pallet/hand jacks. The existing office in the building will be used for business operations. Products are proposed to be received daily by 24-foot box trucks. Kimchi distributors, which would be the primary customers, are anticipated to pick up products five to eight times daily at the loading docks. Customers are generally Korean supermarkets such as HMart, Joong

Boo Market, Assi Market, and a wholesaler, Chicago Foods Corp. The average time spent loading/unloading at the loading dock is estimated to be less than 10 minutes. The petitioner anticipates access to Oakwood Avenue (two-way-street) would be provided on Lee Street and exit from the facility would be on Graceland Avenue. The loading space located within the building is 16 feet by 55 feet.

Off-street parking will be located along the alley and in a newly constructed parking lot to the north. Presently the parking lot to the north is a gravel lot without any striping. The petitioner proposes to pave and provide 28 standard spaces and two accessible spaces. This parking lot is currently gated and will continue to be gated to prevent parking by non-employees or customers of the facility.

The PZB voted 5-2 to recommend approval of the conditional use request.

Recommended Conditions of Approval:

1. The Subject Property shall have a daily dumpster pickup during any day of regular business operations.
2. No motor vehicles unassociated with the petitioner’s business operations may be parked in any of the parking areas associated with the property. Outdoor storage outside of a permitted accessory structure is prohibited on the site.
3. All parking areas must be paved, striped, and landscaped according to all applicable Zoning Ordinance standards prior to Final Certificate of Occupancy for the Proposed Use. Accessible parking spaces shall be located on site to meet accessibility standards. The petitioner may revise the site plan to reduce the number of parking spaces; provided, however, the minimum number are provided.

Richard Kim, counsel for the petitioner, and Sang Hong Lee, manager of the 5000 Year Foods Kimchi, spoke on the petitioner’s behalf.

Resident Rich Schell expressed various concerns regarding the possible food processing establishment.

Moved by Brookman, seconded by Sayad, to Defer to the next meeting for further staff investigation and to include additional requirements for the Ordinance Z-13-23, AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT TO ALLOW A FOOD PROCESSING ESTABLISHMENT AT 984 LEE ST, DES PLAINES, ILLINOIS. (Case # 23-024-CU).

Upon roll call, the vote was:

AYES: 6 - Lysakowski, Moylan, Oskerka, Sayad, Brookman, Walsten

NAYS: 0 - None

ABSENT: 2 - Smith, Charewicz

Motion declared carried.

ADJOURNMENT

Moved by Brookman, seconded by Sayad to adjourn the meeting. Upon voice vote, motion declared carried. The meeting adjourned at 9:02 p.m.

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

APPROVED BY ME THIS 17th

DAY OF July, 2023

/s/ Andrew Goczkowski
Andrew Goczkowski, MAYOR