

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, TUESDAY, JANUARY 17, 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 7:01 p.m. in the Eleanor Rohrbach Memorial Council Chambers, Des Plaines Civic Center on Tuesday, January 17, 2023.

ROLL CALL

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

PRAYER AND PLEDGE

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

PUBLIC COMMENT

Several residents and nonresidents expressed their concerns and objections to a scheduled event at the Des Plaines Theatre, which is a City owned property; they asserted this is a human rights issue and they expressed that the group organizing the event does not represent the diverse and inclusive values of the Des Plaines community.

Alderman Moylan stated he shares the same concerns, and asked what the City can do to work through this.

Mayor Goczkowski stated he does not believe the City can demand or ask that a scheduled presentation be cancelled, but per review of the lease, there is language that says owner and operator shall collaborate to establish standards for booking to ensure that all events conducted meet community standards and reflect well upon the character and culture of the City, which can lead to a discussion of establishing standards.

City Manager Bartholomew stated City is researching to see if standards can be established in a definable and enforceable context.

Alderman Brookman expressed her opinion is that the speakers of the scheduled event are a diverse group of speakers. She stated she is an advocate for hearing both sides of an issue, and she stated America has the right for opposing viewpoints with tolerance for opposing viewpoints.

There was back and forth comment between members of the public and members of the City Council.

Alderman Moylan stated he believes the intent of the theatre was for entertainment purposes, and the taxpayers do have a voice.

Alderman Chester stated he abhors any form of discrimination, but at the same time the constitution protects both assembly and free speech. He stated there has to be further discussion, but he is not sure what the City can or should do.

Alderman Oskerka stated he would like to make a motion for a closed session after the meeting to discuss the issue with possible litigation if needed.

Mayor Goczkowski stated the motion should be made at the end of the meeting.

City Manager Bartholomew stated that is something which will have to be discussed with General Counsel.

A couple residents expressed their opposition for the referendum question on the April ballot.

Resident Deb Lester asked questions regarding the upcoming referendum - when will these lifetime term limits, if passed, become effective, how will it affect each of the current elected officials, and how will it affect those candidates running for office who filed their petitions before this referendum was proposed.

Mayor Goczkowski stated the clock does not start until it is passed, and when the clock starts an elected official can then serve two full terms. He stated that if passed, an elected official who is currently in the middle of a second term, they would be able to run in four years for two terms, but a current alderman who has only run one term, if they were to be reelected this election, they would be entering their first term, and could run again one additional time in four years.

**ALDERMAN
ANNOUNCEMENTS**

Alderman Oskerka expressed support for the public comments, and stated the City will try to come to some consensus about what they need to do about this issue sooner than later.

Alderman Brookman requested a SAFE-T Act update from Police Chief Anderson.

Police Chief Anderson gave a status update regarding the SAFE-T Act.

**MAYORAL
ANNOUNCEMENTS**

Mayor Goczkowski addressed the recent high-profile incidents; he thanked the Police Department for their diligent work, and mentioned the City will continue to update the public as information arises.

Mayor Goczkowski also mentioned the City will continue discussion regarding the theatre, and will attempt to establish a standard preserving the theatre as a place that is welcoming to everyone.

CONSENT AGENDA

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

Upon voice vote, the vote was:

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

NAYS: 0 - None

ABSENT: 3 - Zadrozny, Smith, Ebrahimi

Motion declared carried.

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

Upon roll call, the vote was:

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

NAYS: 0 - None

ABSENT: 3 - Zadrozny, Smith, Ebrahimi

Motion declared carried.

Minutes were approved; Ordinance M-2-23 was approved; Resolutions R-22-23, R-23-23, R-24-23, R-25-23, R-29-23 were adopted.

**APPROVE AGRMT/
TRLR/ FOUR DEG
TRLR CO
Consent Agenda**

Moved by Brookman, seconded by Chester, to Approve Resolution R-22-23, A RESOLUTION APPROVING AN AGREEMENT WITH FOUR DEGREE TRAILER COMPANY FOR THE PURCHASE OF ONE LO-RISER IPT4-716 TRAILER. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-22-23**

**APPROVE MSTR
CONTR/ CONST
SVCS/ MANUSOS
Consent Agenda**

Moved by Brookman, seconded by Chester, to Approve Resolution R-23-23, A RESOLUTION APPROVING A MASTER CONTRACT WITH MANUSOS GENERAL CONTRACTING, INC. FOR CONSTRUCTION SERVICES. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-23-23**

**APPROVE 1ST AMD
LSE AGRMT/ SELF-
HELP CLO & PAN
Consent Agenda**

Moved by Brookman, seconded by Chester, to Approve Resolution R-24-23, A RESOLUTION APPROVING A FIRST AMENDMENT TO THE LEASE AGREEMENT BETWEEN THE CITY OF DES PLAINES AND THE SELF-HELP CLOSET AND PANTRY REGARDING 769 HOLIDAY LANE. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-24-23**

**APPROVE MAINT/
IL HW CODE
Consent Agenda**

Moved by Brookman, seconded by Chester, to Approve Resolution R-25-23, A RESOLUTION FOR MAINTENANCE UNDER THE ILLINOIS HIGHWAY CODE (23-00000-00-GM). Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-25-23**

**APPROVE CHG
ORD 3/ WTR SYS
SEP/ JOHN NERI
Consent Agenda**

Moved by Brookman, seconded by Chester, to Approve Resolution R-29-23, A RESOLUTION APPROVING CHANGE ORDER NO. 3 WITH JOHN NERI CONSTRUCTION, INC. FOR THE WATER SYSTEM SEPARATION PROJECT. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-29-23**

**AMEND CITY
CODE/ PLAN REV &
PERMIT FEES
Consent Agenda**

Moved by Brookman, seconded by Chester, to Approve First Reading of Ordinance M-2-23, AN ORDINANCE AMENDING TITLE 10 OF THE CITY CODE OF THE CITY OF DES PLAINES REGARDING PLAN REVIEW AND PERMIT FEES. Motion declared carried as approved unanimously under Consent Agenda.

**Ordinance
M-2-23**

**APPROVE
MINUTES
Consent Agenda**

Moved by Brookman, seconded by Chester, to Approve the Minutes of the City Council meeting of January 3, 2022, as published. Motion declared carried as approved unanimously under Consent Agenda.

**UNFINISHED
BUSINESS**

**CONSIDER
APPROVING A 2ND
MAJOR AMEND TO
EXIST PUD, FIN
PLAT OF SUBDIV,
& MAJ VAR, &**

Ordinance Z-39-22, AN ORDINANCE APPROVING A SECOND MAJOR AMENDMENT TO AN EXISTING PLANNED UNIT DEVELOPMENT, FINAL PLAT OF SUBDIVISION, AND MAJOR VARIATIONS AND REPEALING PRIOR APPROVALS FOR 1700 W. HIGGINS ROAD, DES PLAINES, ILLINOIS (CASE #22-049-FPLAT-V-PUD-A), was deferred to the next City Council meeting at the request of staff without objection.

**REPEAL PRIOR
APVL FOR 1700 W.
HIGGINS RD**
**Ordinance
Z-39-22**

Consideration of a text amendment to the Zoning Ordinance to revise the term “Park” in Section 12-13-3 to remove the expressed requirement for ownership.

**CONSIDER
AMENDING
ZONING ORD RE
THE DEF OF
“PARK”**
**Ordinance
Z-40-22**

The proposed amendment to the park definition:

PARK: A tract of land dedicated to, set aside, and maintained for recreational use by the general public and may include, without limitation, active recreation areas such as field game areas, court game areas, crafts, playground apparatus; passive recreation areas, such as turf, trees, and picnicking areas; and/or other facilities, such as swimming pools and, recreation centers. Concession sales, indoor and outdoor art, craft, and plant shows, exhibits, and sales, and temporary or seasonal tree sales are considered accessory uses for parks of over five (5) acres in size.

The Planning and Zoning Board (PZB) recommended approval 5-1 of the amendment to the definition of park in Section 12-13-3.

Advanced to second reading by Oskerka, seconded by Moylan, to Adopt the Ordinance Z-40-22, AN ORDINANCE AMENDING THE TEXT OF THE DES PLAINES ZONING ORDINANCE REGARDING THE DEFINITION OF “PARK”.

Upon roll call, the vote was:

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

NAYS: 0 - None

ABSENT: 3 - Zadrozny, Smith, Ebrahimi

Motion declared carried.

**CONSIDER
AMENDING
ZONING ORD RE
OFF-ST PRKG
RQMTS FOR
PARKS**
**Ordinance
Z-41-22**

Consideration of a text amendment to Zoning Ordinance to reduce the amount of parking required for parks that are one acre or less. In summary, the proposed amendments address parking requirement for “Parks – Outdoor” in Section 12-9-7 to add a footnote eliminating the requirement for off-street parking spaces for parks one acre or less in size.

The PZB voted 6-0 to recommend approval.

Advanced to second reading by Brookman, seconded by Oskerka, to Adopt the Ordinance Z-41-22, AN ORDINANCE AMENDING THE TEXT OF THE DES PLAINES ZONING ORDINANCE REGARDING THE OFF-STREET PARKING REQUIREMENTS FOR PARKS.

Upon roll call, the vote was:

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

NAYS: 0 - None

ABSENT: 3 - Zadrozny, Smith, Ebrahimi

Motion declared carried.

NEW BUSINESS

FINANCE & ADMINISTRATION – Alderman Moylan, Vice-Chair

**WARRANT
REGISTER**
**Resolution
R-26-23**

Alderman Moylan presented the Warrant Register.

Moved by Moylan, seconded by Oskerka, to Approve the Warrant Register of January 17, 2023 in the Amount of \$4,017,153.53 and Approve Resolution R-26-23.

Upon roll call, the vote was:

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

NAYS: 0 - None

ABSENT: 3 - Zadrozny, Smith, Ebrahimi

Motion declared carried.

COMMUNITY DEVELOPMENT – Alderman Chester, Chair

**CONSIDER AND
RE-EST THE DT
REST DIST GRANT
UNDER THE BUS
ASST PROG
Resolution
R-27-23**

Director of Community & Economic Development Carlisle reviewed a memorandum dated January 5, 2023.

As part of the Fiscal Year 2023 budget, the City Council approved an additional \$100,000 for the Business Assistance Program (\$350,000 total) above the FY2022 allocation (\$250,000). Concurrent to these additional resources, staff proposes formally re-instituting the Downtown Restaurant District Grant as a component of the larger Business Assistance Program (BAP).

Staff recommends that the Council adopt Resolution R-27-23 to approve the re-established and revised Downtown Restaurant District Grant and its guidelines.

Discussion ensued among the City Council regarding the direction of the program.

Moved by Brookman, seconded by Chester, to send back to Staff based on Aldermen comments and bring back to the City Council, the Resolution R-27-23, A RESOLUTION APPROVING AND RE-ESTABLISHING THE DOWNTOWN RESTAURANT DISTRICT GRANT UNDER THE BUSINESS ASSISTANCE PROGRAM.

Upon voice vote, the vote was:

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

NAYS: 0 - None

ABSENT: 3 - Zadrozny, Smith, Ebrahimi

Motion declared carried.

COMMUNITY SERVICES – Alderman Lysakowski, Member

**CONSIDER AUTH
THE EXEC OF AN
AGRMT WITH THE
PARK DISTRICT
AND THE SENIOR
CENTER FOR THE
PROVISION OF
FUNDING FOR
SERVICES
Resolution
R-18-23**

Considered approving the Interlocal Agreement between the City of Des Plaines and the Des Plaines Community Senior Center (a.k.a. the Frisbie Senior Center), as well as authorize advance subsidy funding in the amount of \$55,000 for the 2023 fiscal year.

Staff recommends that the City Council approve the Interlocal Agreement between the Des Plaines Community Senior Center and the City, as well as authorize subsidy funding in the budgeted amount of \$55,000 for the 2023 fiscal year.

Stephen Samuelson, Executive Director, spoke on behalf of the Frisbie Senior Center.

Moved by Lysakowski, seconded by Chester, to Approve the Resolution R-18-23, A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE DES PLAINES PARK DISTRICT AND THE DES PLAINES COMMUNITY SENIOR CENTER FOR THE PROVISION OF FUNDING FOR SERVICES.

Upon roll call, the vote was:

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

NAYS: 0 - None

ABSENT: 3 - Zadrozny, Smith, Ebrahimi

Motion declared carried.

**CONSIDER AUTH
THE EXEC OF AN
AGRMT WITH THE
SENIOR CENTER
FOR THE
PROVISION OF
FUNDING FOR THE
MEALS ON
WHEELS PROG**
**Resolution
R-19-23**

Considered approving the Interlocal Agreement between the City of Des Plaines and the Des Plaines Community Senior Center (a.k.a. the Frisbie Senior Center) to provide the Meals on Wheels program, as well as authorize subsidy funding in the budgeted amount of \$40,000 for the 2023 fiscal year.

During the 2023 Budget deliberations the Des Plaines Community Senior Center requested a \$40,000 subsidy from the City for the Meals on Wheels program, which was approved by the City Council.

Staff recommends. that the City Council approve the Interlocal Agreement between the City of Des Plaines and the Des Plaines Community Senior Center to provide the Meals on Wheels program, as well as authorize subsidy funding in the budgeted amount of \$40,000 for the 2023 fiscal year.

Moved by Lysakowski, seconded by Brookman, to Approve the Resolution R-19-23, A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE DES PLAINES COMMUNITY SENIOR CENTER FOR THE PROVISION OF FUNDING FOR THE MEALS ON WHEELS PROGRAM.

Upon roll call, the vote was:

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

NAYS: 0 - None

ABSENT: 3 - Zadrozny, Smith, Ebrahimi

Motion declared carried.

**CONSIDER AUTH
THE EXEC OF AN
AGRMT WITH THE
SENIOR CENTER
FOR THE
PROVISION OF
FUNDING FOR
HEALTH AND
SUPPORT SVCS**
**Resolution
R-20-23**

Considered approving the Interlocal Agreement between the City of Des Plaines and the Des Plaines Community Senior Center (a.k.a. the Frisbie Senior Center), as well as authorize an annual subsidy funding in the amount of \$41,500.

The Des Plaines Community Senior Center serves Des Plaines seniors a wide variety of services, such as daily social and recreational activities, on-going educational programming, one on one counseling options focusing on health, legal, employment, as well as others. The Senior Center works closely with the Health and Human Services Division (HHS) of the City.

The cost of providing this service is \$41,500, which the City has agreed to fund on an annual basis.

Staff recommends that the City Council approve the Interlocal Agreement between the Des Plaines Community Senior Center and the City, as well as authorize subsidy funding in the amount of \$41,500 for the 2023 fiscal year.

Moved by Lysakowski, seconded by Chester, to Approve the Resolution R-20-23, A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE DES PLAINES COMMUNITY SENIOR CENTER FOR THE PROVISION OF FUNDING FOR HEALTH AND SUPPORT SERVICES.

Upon roll call, the vote was:

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

NAYS: 0 - None

ABSENT: 3 - Zadrozny, Smith, Ebrahimi

Motion declared carried.

**DISCUSSION OF
THE 2023 SOCIAL
SERVICE FUNDING
PROCESS**

Director of Human Services Madison reviewed a memorandum dated January 17, 2023.

During the 2023 Budget process, City Council allocated \$210,000 for disbursement to social service agencies that apply for the 2023 Social Services Funding Program. City Council approved a \$50,000 increase from 2022 in recognition of the changes made to the City of Des Plaines' Community Development Block Grant (CDBG) Annual Action Plan. During the 2023 Budget process, City Council was interested in knowing more about the Program's application and evaluation process. Director of Human Services Madison provided additional details about the recommended 2023 Social Service Funding application and evaluation process.

LEGAL & LICENSING – Alderman Brookman, Chair

**CONSIDER AUTH
THE ACQ
THROUGH
CONDEMNATION
OF FEE SIMPLE
TITLE TO THE
PROP LOCATED AT
1504 MINER ST
Ordinance
M-3-23**

Consider the adoption of an ordinance authorizing the acquisition of 1504 Miner Street, Des Plaines, Illinois through condemnation.

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 ("Property"). 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.

Resident Tom Lovstrand expressed his opposition for the City to acquire this property, and stated these ordinances represent neither good business nor good government.

Jim Karkazis, owner, spoke on his behalf and addressed his vision for the direction of the building.

Alderman Chester and Alderman Oskerka discussed deferring the ordinance and the timeframe in which to defer the ordinance.

Moved by Chester, seconded by Oskerka, to Defer for three months, 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: 5 - Lysakowski, Moylan, Oskerka,
Brookman, Chester

NAYS: 0 - None

ABSENT: 3 - Zadrozny, Smith, Ebrahimi

Motion declared carried.

**CONSIDER AUTH
THE ACQ
THROUGH
CONDEMNATION
OF FEE SIMPLE
TITLE TO THE
PROP LOCATED AT
678 LEE ST
Ordinance
M-4-23**

Consider adoption of an ordinance authorizing the acquisition of 678 Lee Street, Des Plaines, Illinois through condemnation.

The City Council has provided direction to City Staff and the General Counsel to move forward with the acquisition of the property located at 678 Lee Street including the adjacent parking spaces along the railroad right of way (collectively "Property"). Since that direction was given, 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 intends to make a best and final offer in an effort to purchase 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.

Resident Tom Lovstrand expressed his opposition for the City to acquire this property.

Moved by Chester, seconded by Moylan, to Approve the Ordinance M-4-23, AN ORDINANCE AUTHORIZING THE ACQUISITION THROUGH CONDEMNATION OF FEE SIMPLE TITLE TO THE PROPERTY LOCATED AT 678 LEE STREET.

Upon roll call, the vote was:

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

NAYS: 0 - None

ABSENT: 3 - Zadrozny, Smith, Ebrahimi

Motion declared carried.

**OTHER MAYOR/
ALDERMEN
COMMENTS FOR
THE GOOD OF THE
ORDER**

Alderman Oskerka stated after discussion with General Counsel Weiss, he would like to direct the City Attorney to try and find some resolution with the issue at the theater and get back to the City Council as soon as possible so they can find resolution before the event happens.

ADJOURNMENT

Moved by Brookman, seconded by Chester to adjourn the meeting. The meeting adjourned at 9:02 p.m.

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

APPROVED BY ME THIS ___6th

DAY OF ___February___, 2023

/s/ Andrew Goczkowski
Andrew Goczkowski, MAYOR