

**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, SEPTEMBER 5, 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 6:06 p.m. in the Eleanor Rohrbach Memorial Council Chambers, Des Plaines Civic Center on Tuesday, September 5, 2023.

**ROLL CALL**

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

**CLOSED SESSION**

Moved by Sayad, seconded by Brookman, to convene into Closed Session under the following sections of the Open Meetings Act – Semi-Annual Review of Closed Session Minutes, Probable or Imminent Litigation, Personnel, Sale of Property, Purchase or Lease of Property, and Ongoing or Pending Litigation.

Upon roll call, the vote was:

AYES: 8 - Lysakowski, Moylan, Oskerka, Sayad,  
Brookman, Walsten, Smith, Charewicz

NAYS: 0 - None

ABSENT: 0 - None

Motion declared unanimously carried.

The City Council recessed at 6:07 p.m.

The City Council reconvened at 7:09 p.m.

Roll call indicated the following Alderman present: Lysakowski, Moylan, Oskerka, Sayad, Brookman, Walsten, 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, Deputy Fire Chief Matzl, 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 Oskerka.

**PROCLAMATION**

City Clerk Mastalski read a proclamation by Mayor Goczkowski declaring September as National Library Card Sign-Up Month.

Mayor Goczkowski presented the proclamation to staff members of the Des Plaines Public Library.

**PUBLIC COMMENT**

Dave Lomblad, Chairman of the Knights of Columbus, mentioned they will be hosting their annual Tootsie Roll Drive starting September 15, 2023 through September 17, 2023; they will be collecting donations on the streets and at businesses for the disabled throughout Des Plaines during this timeframe. He asked if anyone would like to volunteer to reach out to him directly.

Resident Cynthina Nelson stated the Izaak Walton League is currently seeking options to preserve the 1850s farmhouse which serves as their current clubhouse; she wants to encourage everyone to get involve in historic preservation and national recreation. She also stated as a community relations liaison for Rivers Casino she hopes any nonprofits will explore possible funding options with the casino. She also mentioned there is a new climate action museum in Chicago.

Resident Marian Cosmides sought further information regarding parkway tree preservation, and the selection of trees offered to residents.

**ALDERMAN  
ANNOUNCEMENTS**

Alderman Oskerka announced the Self-Help Closet is having their annual event – Putt for the Pantry – this Saturday at Lake Park.

Alderman Sayad announced he will be having a ward meeting in October – more information to come. He inquired about the effect of the new Chicago casino on Des Plaines. He mentioned there will be a Food Truck Round-Up in Metropolitan Square on September 19<sup>th</sup>; and on September 23<sup>rd</sup> from 11:00 a.m. – 2:00 p.m. there will be an Open House at Fire Station 61. He also announced the upcoming Budget Meeting dates with all to start at 6:00p.m. – October 12<sup>th</sup>, 18<sup>th</sup>, and 26<sup>th</sup>. Additionally, he thanked Director of PW&E Oakley and Police Chief Anderson with the work done on Thacker and Westgate.

Alderman Walsten encouraged everyone to check out the Izaak Walton League and the upcoming events they will be offering.

Alderman Smith mentioned the upcoming Fall Fest in two weeks. She also mentioned St. Zackary’s will be having an Octoberfest on September 22<sup>nd</sup>, 23<sup>rd</sup>, and 24<sup>th</sup>.

Alderman Charewicz also mentioned the upcoming park district Fall Fest on September 15<sup>th</sup>, 16<sup>th</sup>, and 17<sup>th</sup>. He also stated the Elk Grove Automotive Club is hosting a car show on September 17<sup>th</sup> from 12:00 p.m.-3:00 p.m. at Elk Grove High School. He stated he will be hosting the next eighth ward meeting on October 3<sup>rd</sup> at 7:00 p.m. at the Conservatory. He also thanked and welcomed Driven Car Wash.

**MAYORAL  
ANNOUNCEMENTS**

Mayor Goczkowski mentioned the third Food Truck Round-Up will be Tuesday, September 19<sup>th</sup> at Metropolitan Square starting at 5:00 p.m.

**CONSENT AGENDA**

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

Upon voice vote, the vote was:

AYES: 8 - Lysakowski, Moylan, Oskerka, Sayad,  
Brookman, Walsten, Smith, Charewicz

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

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

Upon roll call, the vote was:

AYES: 8 - Lysakowski, Moylan, Oskerka, Sayad,  
Brookman, Walsten, Smith, Charewicz

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

Minutes were approved; Ordinances M-14-23, M-15-23 were approved; Resolutions R-157-23, R-158-23, R-159-23, R-160-23, R-161-23, R-162-23 were adopted.

**AMD CITY CODE/ CL  
A-1 LIQ LIC**

**Consent Agenda**

Moved by Brookman, seconded by Moylan, to Approve First Reading of Ordinance M-14-23, AN ORDINANCE AMENDING THE CITY CODE TO ADD ONE CLASS “A-1” LIQUOR LICENSE. Motion declared carried as approved unanimously under Consent Agenda.

**Ordinance  
M-14-23**

Advanced to second reading by Brookman, seconded by Walsten, to Adopt the Ordinance M-14-23, AN ORDINANCE AMENDING THE CITY CODE TO ADD ONE CLASS “A-1” LIQUOR LICENSE.

Upon roll call, the vote was:

AYES: 8 - Lysakowski, Moylan, Oskerka, Sayad, Brookman, Walsten, Smith, Charewicz

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

**AUTH DISP/ SURP  
PERSONAL PROP**  
Consent Agenda

Moved by Brookman, seconded by Moylan, to Approve First Reading of Ordinance M-15-23, AN ORDINANCE AUTHORIZING THE DISPOSITION OF SURPLUS PERSONAL PROPERTY OWNED BY THE CITY OF DES PLAINES. Motion declared carried as approved unanimously under Consent Agenda.

Ordinance  
M-15-23

**APPROVE PURCH/  
WL HS/ FLEET  
SAFETY SUPPLY**  
Consent Agenda

Moved by Brookman, seconded by Moylan, to Approve Resolution R-157-23, A RESOLUTION APPROVING THE PURCHASE OF FIRECOM WIRELESS HEADSETS FROM FLEET SAFETY SUPPLY. Motion declared carried as approved unanimously under Consent Agenda.

Resolution  
R-157-23

**APPROVE PURCH/  
MONT CNTRL CTR/  
PARAMONT-EO**  
Consent Agenda

Moved by Brookman, seconded by Moylan, to Approve Resolution R-158-23, A RESOLUTION APPROVING THE PURCHASE OF A REPLACEMENT MOTOR CONTROL CENTER FROM PARAMONT-EO, INC. FOR THE CENTRAL ROAD PUMPING STATION. Motion declared carried as approved unanimously under Consent Agenda.

Resolution  
R-158-23

**APPROVE PURCH/  
VAR FREQ DRS/ LAI**  
Consent Agenda

Moved by Brookman, seconded by Moylan, to Approve Resolution R-159-23, A RESOLUTION APPROVING THE PURCHASE OF VARIABLE FREQUENCY DRIVES (VFDS) FROM LAI, LTD. FOR THE CENTRAL ROAD PUMPING STATION. Motion declared carried as approved unanimously under Consent Agenda.

Resolution  
R-159-23

**APPROVE PURCH/  
STAFF VEH EMER  
EQUIP/ FLEET  
SAFETY SUPPLY**  
Consent Agenda

Moved by Brookman, seconded by Moylan, to Approve Resolution R-160-23, A RESOLUTION APPROVING THE PURCHASE OF STAFF VEHICLE EMERGENCY EQUIPMENT FROM FLEET SAFETY SUPPLY. Motion declared carried as approved unanimously under Consent Agenda.

Resolution  
R-160-23

**APPROVE & RATIFY  
EXPEND OF FUNDS/  
EMER PURCH OF  
WTR MAIN  
MATERIALS**  
Consent Agenda

Moved by Brookman, seconded by Moylan, to Approve Resolution R-161-23, A RESOLUTION APPROVING AND RATIFYING AN EXPENDITURE OF FUNDS TO CORE & MAIN, LP AND MID-AMERICAN WATER & SEWER, INC. FOR THE EMERGENCY PURCHASE OF WATER MAIN MATERIALS. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution  
R-161-23**

**APPROVE & RATIFY  
EXPEND OF FUNDS/  
EMER WTR MAIN  
SVCS**

**Consent Agenda**

Moved by Brookman, seconded by Moylan, to Approve Resolution R-162-23, A RESOLUTION APPROVING AND RATIFYING THE EXENDITURE OF FUNDS FOR EMERGENCY WATER MAIN REPAIR SERVICES FROM BERGER EXCAVATING CONTRACTORS, MQ CONSTRUCTION COMPANY, AND JOHN NERI CONSTRUCTION COMPANY, INC. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution  
R-162-23**

**APPROVE  
MINUTES**

**Consent Agenda**

Moved by Brookman, seconded by Moylan, to Approve the Minutes of the City Council meeting of August 21, 2023, as published. Motion declared carried as approved unanimously under Consent Agenda.

**APPROVE  
MINUTES**

**Consent Agenda**

Moved by Brookman, seconded by Moylan, to Approve the Closed Session Minutes of the City Council meeting of August 21, 2023, as published. Motion declared carried as approved unanimously under Consent Agenda.

**UNFINISHED  
BUSINESS**

**CONSIDER AUTH  
THE ACQUISITION  
THROUGH  
CONDEMNATION OF  
1504 MINER ST  
**Ordinance  
M-3-23****

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

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. 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 acquire the Subject Property at a fair price in a voluntary transaction.

The owner of the property spoke on his own behalf.

Advanced to second reading by Oskerka, seconded by Moylan, to Adopt the 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 Walsten, seconded by Sayad, a substitute motion to Defer second reading to the first meeting in December, 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 - Sayad, Brookman, Walsten  
Smith, Charewicz

NAYS: 3 - Lysakowski, Moylan, Oskerka

ABSENT: 0 - None

Motion declared carried.

**NEW BUSINESS**

**FINANCE & ADMINISTRATION** – Alderman Sayad, Chair

**WARRANT REGISTER**  
**Resolution R-163-23**

Alderman Sayad presented the Warrant Register.

Moved by Sayad, seconded by Smith, to Approve the Warrant Register of September 5, 2023, in the Amount of \$4,744,186.80 and Approve Resolution R-163-23.

Upon roll call, the vote was:

AYES: 8 - Lysakowski, Moylan, Oskerka, Sayad, Brookman, Walsten, Smith, Charewicz

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

**COMMUNITY DEVELOPMENT** – Alderman Moylan, Chair

**CONSIDER AMD OF ZONING ORD TO ELIMINATE THE MIN REQ SIZE FOR SINGLE-FAMILY DETACH & ATTACH TOWNHOUSE RES PUD IN THE RES DIST**

Director of Community & Economic Development Carlisle reviewed a memorandum dated August 24, 2023.

The petitioner is requesting a citywide zoning text amendment to amend Section 12-3-5.B.3.a of the Zoning Ordinance to remove the minimum lot size requirement for a PUD on lots in the R-1 Single Family Residential, R-2 Two-Family Residential, R-3 Townhouse Residential, and R-4 Central Core Residential zoning districts for detached single-family or attached townhouse developments that consist of multiple principal buildings.

**Ordinance Z-23-23**

Petitioner MAS Land Investments, LLC, owner of 180 N. East River Road, intends to annex land to the City of Des Plaines and build a townhouse development. The subject property is located in unincorporated Cook County along North East River Road and is comprised of one 40,245-square-foot (0.92- acre) parcel. The subject property is improved with a one-story, 1,665-squarefoot residence, a 1,194-square-foot detached garage (including two additions), two frame sheds approximately 82 and 90 square feet in size, and a combination of concrete and gravel driveway and parking areas.

The proposal includes the removal of all existing site improvements to redevelop the subject property into a 16-unit PUD similar to the Insignia Glen PUD located directly south of the subject property at 172 N. East River Road, which is already incorporated within Des Plaines. The proposed development consists of four separate three-story principal buildings—each with four units. The anticipated unit mix will be predominately two-bedrooms, but the floor plan is adaptable to create a third bedroom; the developer has not finalized the unit mix. Each unit will have a two-car attached garage on the lower level, living space with a balcony on the middle level, and bedrooms on the top level.

The proposal intends to mirror the general building and driveway design of the existing Insignia Glen development, and will utilize the same private drive for access to East River Road via an existing access easement that was granted and recorded via the early 2000s PUD. For this reason, the existing gravel curb cut onto the subject property will be removed and replaced with turf and landscaping areas. New walkways are proposed along the private drive (south property line)—with walkway connections to each unit—and along North East River Road (east property line) of the subject property for pedestrian access throughout the site and connections to the existing Insignia Glen PUD. The development also proposes common green spaces for residences opposite the driveway entrances where separate front door, porch area, and walkway connections are provided.

The subject property is less than an acre in size, which does not meet the current minimum two-acre requirement for a PUD and therefore requires a text amendment to allow the subject

property to be eligible for a PUD.

The petitioner has provided proposed language for Section 12-3-5.B.3.a of the Zoning Ordinance. If the proposed amendment is approved, there would be no minimum PUD size for single-family detached and attached townhouse developments that consist of multiple principal buildings. The proposed amendments would make the proposed townhouse (single-family attached) development eligible for a PUD on the subject property because the proposed development consists of four principal buildings.

The proposed amendments would not, however, remove the existing minimum two-acre requirement for PUDs that do not meet the criteria above.

The PZB recommended by a 6-0 vote that the City Council approve the proposal as presented by the petitioner.

Tom Burney, a representative from the petitioner, spoke on their behalf.

Moved by Lysakowski, seconded by Moylan, to Approve First Reading of Ordinance Z-23-23 as amended to replace the language to say where the planned unit development is associated with the petition to annexation, AN ORDINANCE AMENDING SECTION 12-3-5 OF THE DES PLAINES ZONING ORDINANCE TO ELIMINATE THE MINIMUM REQUIRED SIZE FOR SINGLE-FAMILY DETACHED AND ATTACHED TOWNHOUSE RESIDENTIAL PLANNED UNIT DEVELOPMENT IN THE RESIDENTIAL DISTRICTS. (CASE #23-042-AX-TA-MAP-TSUB-PUD).

Upon voice vote, the vote was:

AYES: 8 - Lysakowski, Moylan, Oskerka, Sayad, Brookman, Walsten, Smith, Charewicz

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

Advanced to second reading by Lysakowski, seconded by Brookman, to Adopt the Ordinance Z-23-23 as amended to replace the language to say where the planned unit development is associated with the petition to annexation, AN ORDINANCE AMENDING SECTION 12-3-5 OF THE DES PLAINES ZONING ORDINANCE TO ELIMINATE THE MINIMUM REQUIRED SIZE FOR SINGLE-FAMILY DETACHED AND ATTACHED TOWNHOUSE RESIDENTIAL PLANNED UNIT DEVELOPMENT IN THE RESIDENTIAL DISTRICTS. (CASE #23-042-AX-TA-MAP-TSUB-PUD).

Upon roll call, the vote was:

AYES: 8 - Lysakowski, Moylan, Oskerka, Sayad, Brookman, Walsten, Smith, Charewicz

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

**CONSIDER**  
**APPROVING MAJOR**  
**VAR TO ALLOW A**  
**TRELLIS AT 1378**  
**MARGRET ST**  
**Ordinance**  
**Z-24-23**

Director of Community & Economic Development Carlisle reviewed a memorandum dated August 24, 2023.

The petitioner is requesting Major Variations to allow an 8-foot-tall and 50-foot-wide trellis in the interior side yard at 1378 Margret Street where a maximum height of six feet and a maximum width of eight feet are permitted.

In April 2022, an eight-foot-tall structure, attached to a fence, was erected at 1378 Margret Street close to the north property line between 1368 and 1378 Margret. A code enforcement case was opened to address any violations associated with the structure. Initially, the

structure was classified as a “fence,” and a violation was issued for the fence exceeding the allowable height. Section 12-8-2 allows for solid fences in the side yards up to six feet in height. The structure measured eight feet from grade to the top of the structure.

Between April and October 2022, City staff completed several site visits and meetings with the property owner/petitioner to discuss this structure. In October 2022, a Final Zoning Decision Letter classified the structure as a “trellis,” based on the fact that the structure had been detached from the fence and the Zoning Ordinance at the time permitted a trellis to be up to eight feet in height and located at least one foot away from the lot line.

Zoning amendments were approved by City Council on April 3, 2023 that (i) define fence and trellis separately and (ii) limit trellises’ size, location, and width. The proposed structure would not comply with maximum height (8 feet instead of 6 feet) or width (50 feet instead of 8 feet). It was not able to be classified as a “nonconforming structure” per Section 12-5-6 because it was not lawfully established; an inspection in mid-April revealed the structure was taller than 8 feet, or the prior height limitation, and therefore could not be considered lawful. The property owner was required to remove the existing structure, which they did, and chose to apply for a variation from the new trellis rules to re-install the former structure.

The petitioner, Patrick Howe, has requested major variations to allow an 8-foot-tall and 50-foot-wide trellis structure. The subject property consists of a 9,081-square-foot (0.21-acre) lot with a 1,285-square-foot, two-story house, one frame shed, a large playground structure, and a deck.

In the Responses to Standards, the petitioner indicated that the proposed structure would be used as a support for climbing plants. However, the photos display several arborvitaes, which do not require support unless recently planted or damaged, and no evidence of climbing plants that are typically in need of a trellis for support.

The PZB voted 6-0 to recommend denial of the major variations.

Should the City Council vote to approve the request, the following conditions are recommended. These are incorporated in the approving ordinance:

1. The installation and maintenance of the Proposed Trellis does not create any drainage concerns for neighboring properties.
2. The proposed trellis must be used to support vines or climbing plants.

The resident of property north of petitioner’s property expressed her objection to the trellis structure.

Resident Jordan Minerva expressed his opinion that a trellis is not needed in in relation to such plants, and objects to the approval of the trellis.

Moved by Oskerka, seconded by Sayad, to Approve First Reading of Ordinance Z-24-23, AN ORDINANCE APPROVING MAJOR VARIATIONS TO ALLOW A TRELLIS AT 1378 MARGRET STREET, DES PLAINES, IL (Case #23-044-V).

Upon voice vote, the vote was:

AYES: 7 - Lysakowski, Moylan, Oskerka, Sayad,  
Brookman, Smith, Charewicz

NAYS: 1 - Walsten

ABSENT: 0 - None

Motion declared carried.

Advanced to second reading by Oskerka, seconded by Moylan, to Adopt the Ordinance Z-24-23, AN ORDINANCE APPROVING MAJOR VARIATIONS TO ALLOW A TRELIS AT 1378 MARGRET STREET, DES PLAINES, IL (Case #23-044-V).

Upon roll call, the vote was:

AYES: 7 - Lysakowski, Moylan, Oskerka, Sayad,  
Brookman, Smith, Charewicz

NAYS: 1 - Walsten

ABSENT: 0 - None

Motion declared carried.

**CONSIDER**  
**APPROVING AN**  
**AMENDED &**  
**RESTATED**  
**DEVELOP AGRMT**  
**BTW THE CITY OF &**  
**MYLO RESIDENTIAL**  
**GRACELAND**  
**PROPERTY LLC**  
**Resolution**  
**R-164-23**

Director of Community & Economic Development Carlisle reviewed a memorandum dated August 28, 2023.

Mylo Residential Graceland Property, LLC (formerly 622 Graceland Apartments, LLC; Joe Taylor of Compasspoint Development as Manager) is the developer of the proposed “Mylo,” or Graceland-Webford, mixed-use residential, commercial, and parking project. The developer is the owner of 1332 Webford Avenue as of July 31, 2023. Pursuant to the purchase and sale agreement (“PSA”) approved by the City Council in 2022 and amended on July 17, 2023, the City and developer are currently entered into a Development Agreement (“Agreement”) governing the construction and operation of the proposed project. The Council approved the agreement on April 17, 2023.

The developer is now seeking revisions to the Agreement that will remove their obligation to provide a publicly accessible public park and open space at 1330 Webford, also known as “the Dance Building.” In exchange, the developer is (i) offering \$300,000 as total consideration for the property at 1332 Webford, as opposed to the previously agreed upon \$10; (ii) agreeing to pay all building permit fees, which were waived by the initial Agreement; and (iii) acknowledging and agreeing to pay a revised parkland or fee-in-lieu-of obligation under the Subdivision Regulations, to be approved at a later time by the Council. These changes require Council’s approval of an Amended and Restated Development Agreement.

On September 6, 2022 via Ordinance M-22-22, the Council authorized the City’s entry into the PSA for 1332 Webford, formerly a public parking lot. The contract was fully executed and effective on October 7, 2022. In addition to its contract with the City to acquire 1332 Webford, the developer is also pursuing final acquisition of the Journal & Topics property at 622 Graceland-1368 Webford. The developer is required to provide 25 public parking spaces within the proposed building’s garage, which spaces are in addition to those required to meet the minimum requirements of the Zoning Ordinance for the proposed uses in the building. The developer’s acquisition of 1332 Webford made the necessary zoning map amendment, approved by Ordinance Z-23-22, effective. However, the Agreement also serves as a pledge that the Developer will not object to a proposed City Council rezoning of the land if the Developer is not able to proceed with the project along the timeline expressed as an exhibit to the Agreement. Note that the timeline is edited in the Amended and Restated Agreement, with an additional three months given to each benchmark.

The following non-exhaustively summarizes key terms and components of the Amended and Restated Agreement and notes important changes from the April 2023 initial version:

The executed PSA for 1332 Webford states an expectation that the Agreement would ensure the project “...be constructed, maintained and operated in accordance with plans approved by the (City Council).” The following discusses the latest development plan submission:

- Building and site design: The latest elevations show proposed materials that are substantially consistent from the Council’s last review in April 2023. The April



iteration was updated from initial presentations in mid-2022. The elevations are intended to align with the developer's prior pledges to the Council regarding the color scheme and amount of face brick, particularly on the north and east elevations, as well as brick courses in the parking garage knee walls on the south elevation. The outdoor seating area for the proposed restaurant remains near the Graceland-Webford corner. On the Webford/south side, there is landscaping at the building foundation. However, the latest plans show an 8-foot masonry wall to screen an increased amount of mechanical equipment, which is in a new location. Therefore, language in the Amended and Restated Agreement clarifies that all components of building and site design must comply with the Zoning Ordinance for permit approval or that the developer would have to obtain necessary relief. On the Graceland/east side, shrubbery at the building's base is combined with parkway trees to attempt to create an attractive streetscape. The latest floor plans show a restaurant and bar in the southeast corner of the building as previously proposed, although this space is now fully on the first floor instead of spreading across the first and second floors. Resident amenities such as a pool and deck, fitness area/gym, coworking office, dog wash, and multiple recreational rooms are still proposed although repositioned in the building from the plans part of the original Agreement.

- Publicly accessible parks/open space: The amended plans exclude the 1330 Webford park. Further, the developer is no longer proposing to make the open space between the garage wall and the new Webford sidewalk – roughly 1332 and 1368 Webford – to be publicly accessible, given that an increased mechanical footprint seems to make public use of this space less practical or useful than before. References to this area as publicly accessible space have been removed from the Agreement.
- Development engineering, combined Tentative and Final Plats of Subdivision: The final engineering plans approved in April 2023 relied upon portions of 1330 Webford. Therefore, revision is required if the property is excluded from the design. The Agreement requires the developer to obtain future approval of Tentative and Final Plat of Subdivision, including final engineering, pursuant to the Subdivision Regulations. If approved at a later time, these documents would be automatically incorporated.

The April 2023 version of the Agreement waived the in-house building permit fees, an estimated value of more than \$200,000. The amended and restated version excludes this waiver, which will require the developer to pay all fees.

The Agreement lists the Department of Public Works and Engineering's (PWE) required public improvements, which include, for example, stormwater and sanitary sewers, water mains and service lines, sidewalks, curb and gutter, and street lighting. There is a specific coordination plan and meeting required between (PWE) and the developer/contractors to occur at least one week before right-of-way construction begins. The improvements must be secured by the developer's posting of a letter of credit, with the City as the beneficiary.

The Agreement requires obtaining all necessary demolition permits from the City and Cook County. The developer must present the City with a plan to mitigate dust, smoke, and other particulates resulting from demolition. The developer will be required to conduct all demolition in full compliance with the City's permitted work hours and to remove and dispose of all debris. Further requirements include installation of erosion control and such measures to temporarily divert or control any accumulation of stormwater away from or through the property while under construction. To facilitate the least disruptive construction staging and contractor access as possible, with sufficient continuous public safety access and

service, the developer must provide and have approved a Construction and Traffic Management Plan.

The Agreement contemplates that the City, within its discretion, may issue temporary certificates of occupancy, allowing use on an initial, short-term basis once the building's life safety components are completed. However, ultimately the developer must obtain final certificates of occupancy. Under the Agreement, the City may "... refuse to issue a final certificate of occupancy for any building or structure located on the Development Property, as the case may be, until the improvements that are the responsibility of Developer are completed by Developer and approved by the City." Such improvements include the right-of-way public improvements, such as the required widening of Webford for the segment in front of the property, on-street parking, sewers, street lighting, streetscaping, and sidewalks.

The Council's approval of the zoning change included discussion of assurances that the developer would move through with the project substantially as presented—that the project could not be abandoned after the developer's property acquisitions with the new zoning designation (C-5) remaining intact. Ordinance Z-23-22 and the approved 1332 Webford PSA establish that the developer/purchaser would not object to the City's rezoning the property to its former C-3 should the developer not pursue the project in accordance with the schedule incorporated into the Agreement; provided, however, the Agreement would allow the City Manager, based on a developer written request that identifies specific circumstance(s) beyond the developer's control, to extend deadlines within the timeline. The Amended and Restated Agreement contains a modified timelines that essentially adds three months to each benchmark.

While the Agreement is intended to address all activities and operation while the components are being built and in process toward being finally occupied, it also states requirements for additional legal documents to be created or provided and to take effect after the Agreement's term has ended:

- Operating and Reciprocal Easement Agreement (OREA): The developer must provide and the City Manager and City Attorney must approve a recordable document to state obligations for the project's components to work effectively and be maintained and for easements to be granted for essential public safety access.
- Public Parking Leaseback: With a similar intent to a provision in the Parking License Agreement approved in 2018 for the Bayview-Compasspoint project at 1425 Ellinwood, the Graceland-Webford development agreement allows for the developer to survey the areas within the parking garage that are used for public parking and apply for a parcel division (PIN creation) through Cook County. Because the developer, or any successor/future owner, could not charge for or earn revenue from the 25 public parking spaces, the developer could seek tax-exempt status for the newly created public parking PIN within the garage.
  - The "leaseback" structure is at the advice of the General Counsel to allow for a potential exemption to be carried out under state law. Nominal consideration – \$10 per year from the City (lessee) to the developer or any successor (lessor) – would be necessary. The specific details of the PIN creation process and the \$10-per-year arrangement would be expressed in the separate Public Parking Leaseback agreement; provided, however, that there would be no conflict between that agreement and the Amended and Restated Development Agreement.
- West Park Parcel Covenant (removed): A component of the original set of Governing Documents from the April 2023 version of the Agreement, this document would no longer be necessary, as the 1330 Webford park would be excluded.

Bernard Citron, the attorney representing the petitioner, spoke on behalf of his client, Mylo Residential Graceland Property, LLC.

An attorney representing the owners of the dance building spoke on behalf of his client.

Several residents expressed their objection to the Webford/Graceland development and stated detailed reasoning for such objections.

One resident expressed his support for the Webford/Graceland development.

Moved by Walsten, seconded by Brookman, to Approve the Resolution R-164-23, A RESOLUTION APPROVING AN AMENDED AND RESTATED DEVELOPMENT AGREEMENT BETWEEN THE CITY OF DES PLAINES AND MYLO RESIDENTIAL GRACELAND PROPERTY LLC (622 GRACELAND AVENUE & 1332-1368 WEBFORD AVENUE).

Upon roll call, the vote was:

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

NAYS: 3 - Oskerka, Sayad, Charewicz

ABSENT: 0 - None

Motion declared carried.

**CONSIDER**  
**APPROVING A SEC**  
**AMD TO A REAL**  
**ESTATE PSA FOR**  
**1332 WEBFORD AVE**  
**Resolution**  
**R-165-23**

Director of Community & Economic Development Carlisle reviewed a memorandum dated August 25, 2023.

Mylo Residential Graceland Property, LLC (formerly 622 Graceland Apartments, LLC; Joe Taylor of Compasspoint Development as Manager) has acquired the property at 1332 Webford Avenue, which was a City-owned public parking lot. The City Council approved this sale through Ordinance M-22-22 on September 6, 2022, and the PSA was executed October 7, 2022. The Council then approved a First Amendment to this PSA on July 17, 2023, and the property transferred for a sale price of \$10. However, the transfer resulted in multiple post-closing conditions, notably that the Purchaser (Developer) must also acquire other contiguous property – 622 Graceland-1368 Webford (the Journal and Topics site) and 1330 Webford (The Dance Building site) – by October 31, 2023. If the Developer fails to meet the conditions, the City will receive \$60,000 in earnest money from Chicago Title, and a reverter deed provision will become effective, allowing the City to reclaim title to 1332 Webford.

The City received a request from counsel for the Developer to be relieved from having to acquire and redevelop the 1330 Webford parcel in the post-closing conditions. In exchange, they are offering the City \$300,000 (less the \$10 in consideration previously provided) as total consideration, as well as agreeing to pay all City building permit fees and a revised parkland obligation/fee-in-lieu-of as required under the Subdivision Regulations. The changes to building permit fee terms and parkland fee-in-lieu terms are expressed in an Amended and Restated Development Agreement, which the Council is considering through a separate item.

1332 Webford is a 13,500-square-foot property directly west of the 622 Graceland Avenue-1368 Webford property and east of The Dance Building, a mixed-use commercial-residential building at 1330 Webford. The Developer’s proposed larger mixed-use development (the “Graceland-Webford project”) would consist of 131 residential units, approximately 2,800 square feet of restaurant-lounge/commercial space, and a parking garage that would contain 179 spaces. Of these 179 spaces, 25 would be allocated for public use, intended to partially replace the 38 spaces formerly at 1332 Webford. The remaining 154 would fulfill the off-

street parking requirements of the Zoning Ordinance for the residential units (137 spaces) and proposed restaurant-lounge (17 spaces).

The Graceland-Webford project required a zoning map amendment from the C-3 General Commercial District to the C-5 Central Business District. The City Council approved the rezoning on August 1, 2022 (Ordinance Z-23-22). This approving ordinance was made effective on July 31, 2023, upon the real estate closing for 1332 Webford. Through the Amended and Restated Development Agreement and as contemplated by both Ordinance Z-23-22 (zoning approval) and the original PSA, the Purchaser would not object to a rezoning from the current C-5 Central Business District to the prior C-3 General Commercial if, even upon completion of all land acquisition, the Purchaser does not fulfill other benchmarks in the Development Permitting and Construction Schedule. The Developer proposes moving back these benchmarks three months in the schedule, which is part of the Council’s separate consideration of R-164-23. Further, all references to and requirements related to 1330 Webford would be removed from the Amended and Restated Development Agreement.

The following key terms are not proposed to change:

- The developer must acquire the Journal and Topics property prior to October 31, 2023, or will forfeit \$60,000 in earnest money to the City and trigger the reverter provision; and
- The Amended and Restated Development Agreement contains exhibits to ensure the development is “constructed, maintained, and operated in accordance with plans approved” by the City.

Moved by Moylan, seconded by Walsten, to Approve the Resolution R-165-23, A RESOLUTION APPROVING A SECOND AMENDMENT TO A REAL ESTATE PURCHASE AND SALE AGREEMENT FOR 1332 WEBFORD AVENUE.

Upon roll call, the vote was:

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

NAYS: 3 - Oskerka, Sayad, Charewicz

ABSENT: 0 - None

Motion declared carried.

Alderman Brookman requested a five-minute recess.

Mayor Goczkowski called a five-minute recess at 9:50 p.m.

Mayor Goczkowski reconvened the meeting at 9:58 p.m.

**PUBLIC WORKS** – Alderman Charewicz, Chair

Assistant Director of Public Works & Engineering Watkins reviewed a memorandum dated August 24, 2023.

The Water/Sewer enterprise fund balance continues to diminish due to costs outpacing revenues. By the end of 2025, the Water/Sewer Fund will have a negative balance of \$11.2 million. Additionally, due to the age of the City’s infrastructure, the City averages over 100 water main breaks per year. This creates a water loss of over 22%, which equates to a lost water cost of \$1,200,000 per year.

Enterprise funds are established to account for the financing of self-supporting activities of the City that render services on a user-charge basis. The revenue generated through user charges and other water and sewer related functions are intended to fully support the

**CONSIDER**  
**AMENDING THE**  
**CITY CODE REGARD**  
**WTR RATES &**  
**SEWER FEES**  
**Ordinance**  
**M-16-23**

operation of the fund. Both the IDNR and IEPA recommend that an Enterprise Fund should be self-sustaining. The City's existing water and sewer usage rates are not sufficient to recover the full cost of operations, and neither can they sustain an annual capital improvement program at the level needed to keep pace with infrastructure deterioration. Even though the City has a new water source and there is a savings on the purchase of water, the operating costs and infrastructure needs continue to deplete the fund.

In the past, the City has supplemented the Water/Sewer Fund with Gaming revenue. However, in order to fund facility projects such as the Police Station addition, Fire Station 62 Reconstruction and Leela Building Renovation, the Facilities Fund will have to be supplemented by Gaming Revenue.

The City conducted an analysis of the current rates, surveyed other municipalities, reviewed the infrastructure needs and created funding scenarios. As part of the review, the analysis looked at the City's current charges of the following:

- Current Ordinance of the City's Water/Sewer Facility Fee
- Current Ordinance of the City's Water Operation and Maintenance Charges
- Current Ordinance of the City's Sewer Fee
- Current Ordinance of the City's Water/Sewer Capital Fee

Many municipalities including Des Plaines have established a fixed rate billing system instead of the traditional minimum usage bill. The fixed rate is applied to the regular bill based on the water meter size plus the customer's usage. These rates were calculated by evenly dividing static overhead costs for the water utilities among the total number of customers and escalated for larger meter sizes based on flow capacity. Using a fixed rate system provides a fair and steady revenue versus the minimum usage that charges customers a minimum bill. The fixed rate offsets the continual costs of the water system which includes water tank maintenance/painting, water pump facilities and water meters. Staff conducted an analysis of the current costs and have determined that in order to keep pace with escalating costs, these fees will need to be adjusted. If approved by Council, staff recommends reviewing this rate again in 2028.

The Operation and Maintenance charge (O&M) is intended to recover the cost for routine operation and maintenance of the water system. This includes the re-chlorination and pumping of water, day-to-day water system repairs of water mains and fire hydrants, associated equipment required to maintain the water system and the cost for Utility Billing functions. The City's current O&M charge is \$2.25 per unit of water. Based on increased operational costs, the fee should be \$2.75 per unit of water. To keep the customer impact to a minimum, an increase of \$0.25 for the 2024 fiscal year and an increase of \$0.25 for the 2025 fiscal year is recommended. This increase will keep this portion of the rate even with the O&M expenses.

The City currently charges \$0.91 per unit of water for the purpose of maintaining the City's sewer systems. This includes the operation and maintenance of the sanitary sewer lift station, storm sewer pumping stations, and over 365 miles of sanitary and storm sewer mains and structures. Based on increased operational costs, the fee should be \$1.18 per unit.

The City currently charges \$1.00 per unit of water for the purpose improving/replacing the City's water and sewer systems. Water infrastructure has a life expectancy of 75 years and Sewer infrastructures have a life expectancy of 100 years. We conducted an analysis of the water and sewer systems and, based on the age of the current infrastructure, in order to replace system components, the City should be investing at a minimum of \$10.3 million per year based on 2023 construction costs. These costs will continue to increase at a minimum rate of 2.5% a year. Additionally, both the MWRD and EPA have newly mandated regulatory

requirements which will be an additional financial burden to the City. The EPA has mandated that the City must replace all lead/galvanized service lines within the next 20 years.

To keep the customer impact to a minimum, staff recommends the fee increase to a rate of \$2.00 per unit of water for the 2024 fiscal year and an increase of \$1.00 per year, for the next three years.

If the above rates are approved by Council, the projected fund balance would improve but will still have an ending fund balance in 2029 of only \$350,000. This leaves little in reserves. With the 2024 recommended increases, Des Plaines is in the lower 50th percentile of surrounding communities.

Staff recommends the City Council take the following actions:

- Effective January 1, 2024, implement the proposed Fixed Facility Charges as shown in Table 2.
- Effective January 1, 2024, increase the Water Operation and Maintenance Charge to \$2.50 per unit of water and increase the fee to \$2.75 in 2025.
- Effective January 1, 2024, increase the Sewer Fee to \$1.18 per unit of water.
- Effective January 1, 2024, increase the Capital Fee to \$2.00 per unit of water and increase the fee annually by \$1.00 per year through 2027.

Moved by Sayad, seconded by Smith, Approve First Reading of Ordinance M-16-23, AN ORDINANCE AMENDING THE CITY CODE REGARDING WATER RATES AND SEWER FEES.

Upon voice vote, the vote was:

AYES: 7 - Lysakowski, Moylan, Oskerka, Sayad,  
Brookman, Smith, Charewicz

NAYS: 1 - Walsten

ABSENT: 0 - None

Motion declared carried.

Advanced to second reading by Sayad, seconded by Charewicz, to Adopt the Ordinance M-16-23, AN ORDINANCE AMENDING THE CITY CODE REGARDING WATER RATES AND SEWER FEES.

Upon roll call, the vote was:

AYES: 7 - Lysakowski, Moylan, Oskerka, Sayad,  
Brookman, Smith, Charewicz

NAYS: 1 - Walsten

ABSENT: 0 - None

Motion declared carried.

Alderman Charewicz requested a consensus to ask the finance committee to consider an additional \$5,000,000.00 in 2024 and 2025 to be proactive about water main issues.

There was consensus to consider during the upcoming budget meetings.

**LEGAL & LICENSING** – Alderman Brookman, Chair

**CONSIDER  
APPROVING THE  
ENGAGEMENT OF  
ROBBINS DIMONTE  
LTD. FOR THE  
PROVISION OF**

On June 5, 2023, the City’s longtime prosecutor, Ray Bartel, announced his retirement. In response to that, on July 14, 2023, the City issued a Request for Proposals (RFP) for Prosecutorial Services. Five responses were received, and four firms were interviewed on August 15 by a committee of staff comprised of the City Manager and members of the Police Department, Community & Economic Development Department, and General Counsel.

**PROSECUTORIAL SERVICES**  
**Resolution R-166-23**

After some deliberation with the committee and in the best interest of the City, the City Manager has selected the firm of Robbins DiMonte to perform prosecutorial services for the City.

Eric Patt, prosecutor with Robbins DiMonte Ltd., spoke on his behalf and on behalf of the law firm.

Moved by Walsten, seconded by Sayad, to Approve the Resolution R-166-23, A RESOLUTION APPROVING THE ENGAGEMENT OF ROBBINS DIMONTE LTD. FOR THE PROVISION OF PROSECUTORIAL SERVICES.

Upon roll call, the vote was:

AYES: 8 - Lysakowski, Moylan, Oskerka, Sayad,  
Brookman, Walsten, Smith, Charewicz

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

Mayor Goczkowski thanked Ray Bartel for his years of service with the City and wished him the best of luck in retirement.

**ADJOURNMENT**

Moved by Sayad, seconded by Brookman to adjourn the meeting. Upon voice vote, motion declared carried. The meeting adjourned at 10:28 p.m.

\_\_\_\_\_  
Jessica M. Mastalski – CITY CLERK

APPROVED BY ME THIS \_\_\_\_\_

DAY OF \_\_\_\_\_, 2023

\_\_\_\_\_  
Andrew Goczkowski, MAYOR