

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 2, 2021

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 2, 2021.

ROLL CALL

Roll call indicated the following Aldermen present: Lysakowski, Moylan, Oskerka, Zadrozny, Brookman, Chester, 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, Community and Economic Development Manager 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 Moylan.

PUBLIC COMMENT

Resident Wayne Serbin commented on the condition of sidewalks in the City.

ALDERMEN ANNOUNCEMENTS

Alderman Oskerka stated he is hosting a ward meeting at Prairie Lakes Community Center on August 17, 2021 at 6:30 p.m.

Alderman Zadrozny mentioned he will be hosting a ward meeting with the details to be announced soon.

Alderman Brookman mentioned the traffic light has been put up at Lee St and Forest Ave; along with noting the update of the street at that location. Alderman Brookman also mentioned the success of the ward meeting held on July 27, 2021.

Alderman Ebrahimi stated he is working on a ward newsletter and Facebook page.

MAYORAL ANNOUNCEMENTS

On March 16, 2020, 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 July 29, 2020.

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

Moved by Brookman, seconded by Chester, to extend the March 16, 2020 Declaration of Civil Emergency until the adjournment of the next regular, special, or emergency meeting of the City Council.

Upon roll call, the vote was:

AYES: 8 - Lysakowski, Moylan, Oskerka, Zadrozny,
Brookman, Chester, Smith, Ebrahimi

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

**CONSENT
AGENDA**

Moved by Brookman, seconded by Zadrozny, to establish the Consent Agenda.

Upon voice vote, the vote was:

AYES: 8 - Lysakowski, Moylan, Oskerka, Zadrozny,
Brookman, Chester, Smith, Ebrahimi

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

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

Upon roll call, the vote was:

AYES: 8 - Lysakowski, Moylan, Oskerka, Zadrozny,
Brookman, Chester, Smith, Ebrahimi

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

Minutes were approved; Ordinance M-9-21 was approved; Resolutions R-122-21, R-123-21, R-124-21, R-125-21, R-126-21, R-127-21, R-130-21, R-131-21 were adopted.

**APPROVE CDBG/
2021 ACTION
PLAN:**
Consent Agenda

Moved by Brookman, seconded by Oskerka to Approve Resolution R-122-21, A RESOLUTION APPROVING THE CITY OF DES PLAINES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM 2021 ANNUAL ACTION PLAN. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-122-21**

**APPROVE
AGRMT/PVMT
MARKINGS/
MARKING
SPECIALISTS
CORP:**
Consent Agenda

Moved by Brookman, seconded by Oskerka to Approve Resolution R-123-21, A RESOLUTION APPROVING AN AGREEMENT WITH MARKING SPECIALIST CORPORATION FOR THE 2021 THERMOPLASTIC/EPOXY PAVEMENT MARKINGS AND RAISED REFLECTOR PAVEMENT MARKER REPLACEMENT PROJECT, MFT-21-00000-02-GM. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-123-21**

APPROVE
AGRMT/PURCH
WTR VLV/ CORE
& MAIN, LP:
Consent Agenda

Moved by Brookman, seconded by Oskerka to Approve Resolution R-124-21, A RESOLUTION APPROVING AN AGREEMENT WITH CORE & MAIN, LP FOR THE PURCHASE OF POTABLE WATER VALVES. Motion declared carried as approved unanimously under Consent Agenda.

Resolution
R-124-21

APPROVE
AGRMT/PURCH
WTR VLV/ LEVY
& ASSOCS, LTD:
Consent Agenda

Moved by Brookman, seconded by Oskerka to Approve Resolution R-125-21, A RESOLUTION APPROVING AN AGREEMENT WITH LEY AND ASSOCIATES, LTD FOR THE PURCHASE OF POTABLE WATER VALVES. Motion declared carried as approved unanimously under Consent Agenda.

Resolution
R-125-21

APPROVE TASK
ORD/PRO ENGR
SVCS/ AECOM
TECHNICAL
SERVICES, INC:
Consent Agenda

Moved by Brookman, seconded by Oskerka to Approve Resolution R-126-21, A RESOLUTION APPROVING TASK ORDER NO. 4 WITH AECOM TECHNICAL SERVICES, INC FOR PROFESSIONAL ENGINEERING SERVICES. Motion declared carried as approved unanimously under Consent Agenda.

Resolution
R-126-21

APPROVE/PROC
OF FD PLCY,
PROC, & GLS/
LEXIPOL LLC:
Consent Agenda

Moved by Brookman, seconded by Oskerka to Approve Resolution R-127-21, A RESOLUTION APPROVING THE PROCUREMENT OF FIRE DEPARTMENT POLICY, PROCEDURE, AND GUIDELINES MANUALS AND RELATED SERVICES FROM LEXIPOL LLC. Motion declared carried as approved unanimously under Consent Agenda.

Resolution
R-127-21

APPROVE
AMD/SEC 6-2-
4/DES PLAINES
CITY CODE:
Consent Agenda

Moved by Brookman, seconded by Oskerka to Approve First Reading of Ordinance M-9-21, AN ORDINANCE AMENDING SECTION 6-2-4 OF THE DES PLAINES CITY CODE REGARDING OBSCENE AND IMMORAL ACTS. Motion declared carried as approved unanimously under Consent Agenda.

Ordinance
M-9-21

APPROVE &
AUTH/IGO & LEG
ADV SVCS/
ANDERSON

Moved by Brookman, seconded by Oskerka to Approve Resolution R-130-21, A RESOLUTION APPROVING AND AUTHORIZING THE EXPENDITURE OF FUNDS PURSUANT TO A PROPOSAL FROM ANDERSON LEGISLATIVE CONSULTING, LTD FOR INTERGOVERNMENTAL AND LEGISLATIVE

**LEGISLATIVE
CONSULTING,
LTD:**
Consent Agenda

ADVOCACY SERVICES. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-130-21**

**APPROVE &
AUTH/IGO & LEG
ADV SVCS/
RAUCCI &
SULLIVAN
STRATEGIES,
LLC:**
Consent Agenda

Moved by Brookman, seconded by Oskerka to Approve Resolution R-131-21, A RESOLUTION APPROVING AND AUTHORIZING THE EXPENDITURE OF FUNDS PURSUANT TO A PROPOSAL FROM RAUCCI & SULLIVAN STRATEGIES, LLC FOR INTERGOVERNMENTAL AND LEGISLATIVE ADVOCACY SERVICES. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-131-21**

**APPROVE
MINUTES**
Consent Agenda

Moved by Brookman, seconded by Oskerka to Approve the Minutes of the City Council meeting of July 19, 2021, as published. Motion declared carried as approved unanimously under Consent Agenda.

**UNFINISHED
BUSINESS:**

COMMUNITY DEVELOPMENT – Alderman Chester, Chairman

**CONSIDER
GRANTING A
CONDITIONAL
USE PERMIT FOR
COMMERCIALY
ZONED ASSY USE
AT 69-79
BROADWAY ST**

The City Council voted 6-0 on first reading on July 6, 2021, to pass an ordinance as amended that would approve the subject request. On July 19, 2021, the Council chose to continue consideration of the final reading to August 2, 2021.

The first-reading version omitted a condition recommended by the Planning and Zoning Board and staff: that the petitioner form shared-parking agreements with nearby property owners to satisfy the off-street parking requirement for the proposed use. The ordinance has been amended accordingly with the new language. Further, the Council expressed a desire to see parking agreements that the petitioner has already formed. Last, the petitioner has written a letter to City.

**Ordinance
Z-39-21**

The petitioner is requesting a Conditional Use under Section 12-7-3(K)(3) of the 1998 Des Plaines Zoning Ordinance, as amended, to allow a Commercially Zoned Assembly use in the C-3 zoning district at 69-79 Broadway Street.

The Comprehensive Plan designates this site as Higher Density Urban Mix with Residential.

The petitioner, Steven Bonica, has requested a Conditional Use Permit to operate a Community Center, Romanian Heritage Center NFP, at 69-79 Broadway Street. A community center is classified as a Commercially Zoned Assembly use, which is a conditional use in the C-3, General Commercial District. The subject properties are

located within the C-3 zoning district, along Broadway Street between Cumberland Circle and the Cumberland Metra Station. The four subject properties contain a multi-unit, one-story building spanning all four lots, each with a separate PIN, with on-street parking in the front and a small accessory parking area at the rear.

The petitioner plans to completely remodel the interior of the existing building to locate a library/multi-purpose room, office areas, inaccessible Romanian heritage exhibit areas, conference room, kitchen area, restrooms, and storage areas based on the Floor Plan. The petitioner's proposal does not include any changes to the outside of the building with the exception of new landscaping and signage at the front of the building. The dumpster for this suite will be stored inside the building except on trash collection days. The Romanian Heritage Center NFP will be open on Monday through Friday from 8 am to 7 pm as a research and tutoring center, as denoted in the Proposed Activities, Programs, and Parking Plan and the Proposed Schedule of Activities. This location will host evening meetings for the Board of Directors and Leadership Advisory Council with up to 20 people and various events once or twice a month.

The following parking regulations apply to this request pursuant to Section 12- 9-7 of the Des Plaines zoning Ordinance:

- One parking space for 200-square feet of gross activity area for community centers, banquet halls, and membership organizations; and
- One parking space for every 250-square feet of gross floor area for office areas.

Thus, a total of 19 off-street parking spaces are required including one handicap accessible parking space. The Site Plan the proposed parking area at the rear of the building, which is designed to accommodate 13 parking spaces and one handicap parking on the subject property. The petitioner intends to utilize a portion of the parking lot at the nearby Romanian Baptist Church of Chicago located at 484 E. Northwest Highway to accommodate the remaining required spaces and for monthly or bimonthly events. The proposal also includes the utilization of a valet service to address parking concerns, especially during events where 50-100 patrons could be in attendance. Staff has added a condition that the petitioner must obtain, execute, and submit a collective parking agreement with the nearby Romanian Baptist Church to staff to address all parking requirements pursuant to Sections 12-9-3 and 12-9-7 of the Des Plaines Zoning Ordinance.

The Planning and Zoning Board recommended (5-0) that the City Council approve the request with the condition that the petitioner enters into and executes a parking agreement to accommodate all required parking prior to the hosting of any events.

Staff recommend approval of Ordinance Z-39-21 with the condition that the petitioner enters into and executes a parking agreement to accommodate all required parking prior to the hosting of any events.

Several residents expressed their concern with parking in the residential neighborhood.

Several individuals expressed their support for the approval of this Ordinance.

Moved by Smith, seconded by Brookman, motion to deny Ordinance Z-39-21, AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT FOR A COMMERCIAL ZONED ASSEMBLY USE AT 69-79 BROADWAY STREET, DES PLAINES, ILLINOIS.

Upon roll call, the vote was:

AYES: 8 - Lysakowski, Moylan, Oskerka, Zadrozny,
Brookman, Chester, Smith, Ebrahimi

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

NEW BUSINESS:

FINANCE & ADMINISTRATION – Alderman Zadrozny, Chairman

WARRANT REGISTER

Resolution R-128-21

Alderman Zadrozny presented the Warrant Register.

Moved by Zadrozny, seconded by Lysakowski, to approve the Warrant Register of August 2, 2021 in the Amount of \$4,269,739.23 and approve Resolution R-128-21.

Upon roll call, the vote was:

AYES: 8 - Lysakowski, Moylan, Oskerka, Zadrozny,
Brookman, Chester, Smith, Ebrahimi

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

DISCUSSION REGARDING ARPA FUNDS

On March 11, 2021, the American Rescue Plan Act (“ARPA”) was signed into law, and established the Coronavirus State Fiscal Recovery Fund and Coronavirus Local Fiscal Recovery Fund, which together make up the Coronavirus State and Local Fiscal Recovery Funds program. This program is intended to provide support to State, territorial, local, and Tribal governments in responding to the economic and public health impacts of COVID-19 and in their efforts to contain impacts on their communities, residents, and businesses.

At the May 24, 2021 Council Meeting, the City Council approved staff’s submission of a request for Coronavirus State and Local Fiscal Recovery Funds to the United States Department of Treasury (“US Treasury”). The City was notified it will receive funding of \$7,787,945.00 directly from the US Treasury in two tranches, the first of which was received in June in the amount of \$3,893,972.50 with the second to be received in approximately twelve months.

Eligible uses of the Coronavirus State and Local Fiscal Recovery Funds fall into four broad categories:

1. Public Health/Negative Economic Impacts: To respond to the COVID-19 public health emergency or its negative economic impacts;
2. Premium Pay: To respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to such eligible workers of the recipient, or by providing grants to eligible employers that have eligible workers who performed essential work;
3. Revenue Loss: For the provision of government services, to the extent of the reduction in revenue due to the COVID-19 public health emergency, relative to

revenues collected in the most recent full fiscal year of the recipient prior to the emergency; and

4. Investments in Water, Sewer, Stormwater and Broadband Infrastructure: To make necessary investments in water, sewer, stormwater or broadband infrastructure.

The funds may be used to cover eligible costs incurred by the City during the period that begins on March 3, 2021 and ends on December 31, 2024, as long as the award funds for the obligations incurred by December 31, 2024 are expended by December 31, 2026. Costs for projects incurred by the City prior to March 3, 2021.

Based on the US Treasury's definition of general revenue, which excludes federal grants and federal pass through grants, the City's lost revenue as of December 31, 2020 is \$21,808,660.

This information is presented to the City Council for discussion and consensus as to the use of the American Rescue Plan funds.

A few residents commented regarding flooding in their neighborhoods.

There was a consensus by the City Council to move forward.

COMMUNITY DEVELOPMENT – Alderman Chester, Chairman

CONSIDER
SUPPORTING &
CONSENTING
THE APPROVAL
OF CLASS 6B
CLASSIFICATION
FOR THE
PROPERTY
LOCATED AT 2180
S WOLF ROAD,
DES PLAINES,
ILLINOIS
Resolution
R-129-21

Community and Economic Development Manager Carlisle reviewed a memorandum dated July 22, 2021.

Applicant United Investment Property, LLC is the contract purchaser of 2180 S. Wolf Road from seller Levy Property Group LLC. The applicant is requesting a resolution supporting a Cook County Class 6b Property Tax Incentive (6b), which is designed to encourage industrial investment by reducing the assessment level of eligible properties for 12 years. This application is based on the eligibility criterion of substantial reoccupancy of "abandoned" property. In general, "abandoned" means unused for at least 24 continuous months; however, the City may find that a "special circumstance" exists whereby abandonment does not require a 24-month period of full inactivity. The applicant seeks special-circumstance determination because although the space is not fully abandoned, it has been mostly unused since April 2017, with less than 1 percent of its space occupied, and a real estate transfer has not yet occurred.

The Subject Property is 52 years old and consists of an approximately 60,922-square-foot industrial building on a 2.7-acre site. Currently occupying approximately 600 square feet, or less than one percent of the building area, is a pet-supply distributor. According to the applicant, this distributor is winding down operations and not replenishing product, with business ceasing before real estate transfer of title.

As the new owner, United plans to lease the property to subsidiary Chicago Cabinet Center ("CCC"). CCC will use the property for warehousing, assembly, manufacturing, and distribution. CCC plans vacate its current property at 300 King Street in Elk Grove Village and transfer its nine full-time employees and three part-time employees to the subject property. The tenant pledges to hire six (6) new full-time employees, with qualified Des Plaines residents receiving priority.

After acquiring the property, United plans to make various improvements and renovations, with the estimated qualifying-improvement total cost of \$608,000. Improvements include installing over 10,000 square feet of Nichiha fiber cement panels, other façade work (paint to a substantial portion of the main street-facing façade), a new company sign, pavement restoration, and upgraded utilities. The project would return a substantially vacant and underutilized building to active use, bring existing employees from Elk Grove Village, and lead to the hiring of new workers. The applicant contends the investment in the property will not be feasible without approval of a 6b and projects that will result in an additional \$334,687 in property tax revenue over the 12-year life of the incentive.

Tax Impact Scenarios:

1. Estimated annual taxes as is (no improvements, no 6b): \$96,240
2. Estimated annual taxes with proposed improvements with a 6b: \$110,338
3. Estimated annual taxes with proposed improvements without a 6b: \$275,846

Staff recommends approval of Resolution R-129-21 supporting and consenting to a Class 6b Application at 2180 S. Wolf Road.

Moved by Brookman, seconded by Smith, to approve the Resolution R-129-21, A RESOLUTION SUPPORTING AND CONSENTING TO THE APPROVAL OF CLASS 6B CLASSIFICATION FOR THE PROPERTY LOCATED AT 2180 S WOLF ROAD, DES PLAINES, ILLINOIS.

Upon roll call, the vote was:

AYES: 8 - Lysakowski, Moylan, Oskerka, Zadrozny,
Brookman, Chester, Smith, Ebrahimi

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

LEGAL & LICENSING – Alderman Brookman, Chairman

CONSIDER
AMENDING
TITLE 4 OF THE
DES PLAINES
CITY CODE
REGARDING
OCCASIONAL
RESIDENTIAL
SALES
Ordinance
M-10-21

As part of an ongoing effort to simplify requirements for residents and to use staff resources more efficiently, staff has identified the garage sale license, currently required by 4-3-5.C. of the City Code, as an administrative process that does not yield substantial benefit and could be eliminated. Therefore, staff proposes removing the license requirement, as well as its attendant form and \$5 fee. All other existing regulations, such as limiting to three-day durations and a maximum of three sales per year per property (excluding City-wide sales), would be retained.

The Code Enforcement Division reports that achieving compliance with garage sale rules is generally not aided by the license requirement. Instead, officers rely on external complaints and their own observation, tracking properties with a pattern of violations. This strategy is generally effective and can go on without requiring residents to obtain a license. Further, revenue from the license has declined from approximately \$3,000 per year to less than \$2,000 per year over the past five years. (No revenue was collected in 2020 because of the suspension of the fee as a COVID-19 relief effort. Approximately \$1,760 would have been collected had the fee been in place.)

The City’s General Council has prepared Ordinance M-10-21 creating Chapter 21 – Occasional Residential Sales under Title 4 – Business Regulations. Section 4-3-5 would be repealed and reserved for future use.

Staff recommended the City Council adopt Ordinance M-10-21 amending the municipal code regulating Occasional Residential Sales.

Moved by Chester, seconded by Oskerka, to Approve Ordinance M-10-21, AN ORDINANCE AMENDING TITLE 4 OF THE DES PLAINES CITY CODE REGARDING OCCASIONAL RESIDENTIAL SALES. Upon voice vote, motion declared carried.

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

Alderman Moylan requested further detail regarding the American Rescue Plan Act (ARPA) Funds and Storm Sewer Projects.

ADJOURNMENT:

Moved by Brookman, seconded by Oskerka to adjourn the meeting. The meeting adjourned at 8:37 p.m.

/s/ Jessica M. Mastalski
Jessica M. Mastalski – City Clerk

APPROVED BY ME THIS 16th

DAY OF August, 2021

/s/ Andrew Goczkowski
Andrew Goczkowski, MAYOR