

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF DES PLAINES, ILLINOIS HELD VIA ZOOM VIDEO CONFERENCE ON TUESDAY, FEBRUARY 16, 2021

CALL TO ORDER:

The regular meeting of the City Council of the City of Des Plaines, Illinois, was called to order by Mayor Bogusz at 7:01 p.m. The meeting was lived-streamed via: <http://desplaines.org/accessdeplaines> and played on DPTV Channel 17 on Tuesday, February 16, 2021.

ROLL CALL:

Roll call indicated the following Aldermen present: Lysakowski, Moylan, Rodd, Zadrozny, Brookman, Chester, Smith, Goczkowski. A quorum was present.

Also present were: City Manager Bartholomew, Director of Public Works and Engineering Oakley, Community and Economic Development Director McMahon, Fire Chief Anderson, Police Chief Anderson, and General Counsel Weiss.

PRAYER AND PLEDGE:

The prayer was offered by Alderman Rodd followed by the Pledge of Allegiance to the Flag of the United States of America.

PUBLIC HEARING/ 2021 APPROPRIATION ORDINANCE

MINUTES OF THE PUBLIC HEARING HELD IN THE ELEANOR ROHRBACH MEMORIAL COUNCIL CHAMBERS DES PLAINES CIVIC CENTER, TUESDAY, FEBRUARY 16, 2021

Mayor Bogusz called the Public Hearing to order at 7:03 p.m.

Assistant City Manager/Director of Finance Wisniewski explained that the annual Appropriation Ordinance specifies the sums of money deemed necessary to defray all expenses and liabilities for the calendar year 2021.

The Public Hearing was being held pursuant to Legal Notice regarding the Appropriation Ordinance. Public notice of said Hearing was published in the Journal Topics on Wednesday, February 3, 2021.

There were no comments or questions from the Aldermen or residents.

The Public Hearing was adjourned at 7:07 p.m.

PUBLIC HEARING/ PY2019 DES PLAINES CARES ACT AMENDMENT CV3

MINUTES OF THE PUBLIC HEARING HELD IN THE ELEANOR ROHRBACH MEMORIAL COUNCIL CHAMBERS DES PLAINES CIVIC CENTER, TUESDAY, FEBRUARY 16, 2021

Mayor Bogusz called the Public Hearing to order at 7:07 p.m.

The Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Public Law 116-136, makes \$5 billion available in supplemental Community Development Block Grant (CDBG) funding from the Department of Housing and Urban Development

(HUD) to prevent, prepare for, and respond to the Covid-19 pandemic (CDBG-CV grant). The City will receive \$376,164 for this third round of the CARES Act (CDBG-CV3) funding. The City's cumulative amount for all allocation rounds is \$556,931.

This public hearing will conclude the required minimum public comment period as required by HUD. The five-day public comment period for the PY2019 City of Des Plaines CARES Act Amendment CV3 began February 10, 2021, following a legal notice published in the Journal and Topics newspaper on January 27, 2021. Complete copies of the draft the PY2019 City of Des Plaines CARES Act Amendment CV3 are available during the public comment period at: desplaines.org/cdbg, by contacting the CDBG Administrator at dkirincic@desplaines.org, or by telephone at (847) 391-5381. Any comments, questions, or concerns received during the public period will be submitted to HUD with the adopted the PY2019 City of Des Plaines CARES Act Amendment CV3.

There were no comments or questions from the Aldermen or residents.

The Public Hearing was adjourned at 7:11 p.m.

**PUBLIC
COMMENT:**

The City of Des Plaines continues to follow social distancing requirements. In response to the risks created by the COVID-19 outbreak, Governor Pritzker issued Executive Order 2020-07 on March 16, 2020, suspending the Open Meetings Act provision relating to in-person attendance by the members of the public body. Tonight's meeting is allowed to be conducted via video conferencing.

Public comments were allowed to be e-mailed to publiccomments@desplaines.org or phoned in to the City Clerk's Office by 5:00 p.m. on February 16, 2021.

Resident Garland Armstrong expressed his concern for individuals walking in the streets due to the unshoveled sidewalks.

**ALDERMEN
ANNOUNCEMENTS**

Sidewalk snow clearing will be discussed at a Public Works committee meeting.

**MAYORAL
ANNOUNCEMENT**

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 Mayor Bogusz's Supplemental Order dated July 29, 2020.

Moved by Goczkowski, seconded by Brookman, to extend the Mayor’s 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, Rodd, Zadrozny
Brookman, Chester, Smith, Goczkowski

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

MANAGER’S REPORT:

City Manager Bartholomew announced that a Closed Session meeting will be held immediately after the City Council meeting to discuss Personnel and Sale of Property.

CONSENT AGENDA:

Moved by Brookman, seconded by Moylan, to establish the Consent Agenda. Upon voice vote, the vote was:

AYES: 8 - Lysakowski, Moylan, Rodd, Zadrozny
Brookman, Chester, Smith, Goczkowski

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, Rodd, Zadrozny
Brookman, Chester, Smith, Goczkowski

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

Minutes were approved; Ordinance M-2-21; Resolutions R-35-21, R-36-21, R-37-21, R-38-21, R-39-21, R-40-21, R-44-21 were adopted.

APPROVE CONTRACT/ ITSAVVY, LLC: Consent Agenda

Moved by Brookman, seconded by Moylan, to approve Resolution R-35-21, A RESOLUTION APPROVING THE PURCHASES OF SERVERS AND RELATED SERVICES FROM ITSAVVY, LLC in the amount of \$24,484.64. Motion declared carried as approved unanimously under Consent Agenda.

Resolution R-35-21

APPROVE CONTRACT/ TYLER TECHNOLOGIES:

Moved by Brookman, seconded by Moylan, to approve Resolution R-36-21, A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS UNDER A SOFTWARE MAINTENANCE AGREEMENT WITH TYLER TECHNOLOGIES, INC FOR SOFTWARE MAINTENANCE SERVICES in the amount of \$35,475.05. Motion declared carried as approved unanimously under Consent Agenda.

Resolution R-36-21

**APPROVE
PURCHASE/
KOHLER
GENERATOR:**

Moved by Brookman, seconded by Moylan, to approve Resolution R-37-21, A RESOLUTION AUTHORIZING THE PURCHASE OF A KOHLER GENERATOR FROM STEINER ELECTRIC COMPANY THROUGH SOURCEWELL in the amount of \$29,630.30. Motion declared carried as approved unanimously under Consent Agenda

**Resolution
R-37-21**

**AWARD BID/
BUILDERS
ASPHALT, LLC:**

Moved by Brookman, seconded by Moylan, to approve Resolution R-38-21, A RESOLUTION APPROVING AN AGREEMENT FOR THE PURCHASE OF HOT MIX ASPHALT FROM BUILDERS ASPHALT, LLC in the not-to-exceed amount of \$150,000. Motion declared carried as approved unanimously under Consent Agenda

**Resolution
R-38-21**

**REJECT BIDS/
6TH FLOOR
MASONRY
REPAIRS:**

Moved by Brookman, seconded by Moylan, to approve Resolution R-39-21, A RESOLUTION REJECTING ALL BIDS FOR CITY HALL 6TH FLOOR MASONRY REPAIR SERVICES and authorizing rebid of the project. Motion declared carried as approved unanimously under Consent Agenda

**Resolution
R-39-21**

**APPROVE TASK
ORDERS/
WUNDERLICH-
MALEC SERVICE:**

Moved by Brookman, seconded by Moylan, to approve Resolution R-40-21, A RESOLUTION APPROVING TASK ORDERS NO. 2 AND NO. 3 UNDER A MASTER CONTRACT WITH WUNDERLICH-MALEC ENGINEERING, INC FOR SCADA SYSTEM UPGRADES in the amounts of \$198,204 and \$68,500. Motion declared carried as approved unanimously under Consent Agenda

**Resolution
R-40-21**

**APPROVE
RENEWAL/O'HARE
E NOISE
COMPATIBILITY
COMMISSION:**

Moved by Brookman, seconded by Moylan, to approve Resolution R-44-21, A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT REGARDING THE O'HARE NOISE COMPATIBILITY COMMISSION. Motion declared carried as approved unanimously under Consent Agenda

**Resolution
R-44-21**

**SECOND
READING/
ORD. M-2-21:**

Moved by Brookman, seconded by Moylan, to approve Ordinance M-2-21, AN ORDINANCE PROHIBITING THE USE OF GROUNDWATER AS A POTABLE WATER SUPPLY BY THE INSTALLATION OR USE OF POTABLE WATER SUPPLY WELLS OR BY ANY OTHER METHOD WITHIN THE SPECIFIED LIMITS ON PROPERTY LOCATED AT 800 S ELMHURST RD AND ADJACENT RIGHTS OF WAY, INCLUDING POINTS OF WITHDRAWAL BY THE CITY OF DES PLAINES. Motion declared carried as approved unanimously under Consent Agenda.

APPROVE
MINUTES:
Consent Agenda

Moved by Brookman, seconded by Moylan, to approve the Minutes of the City Council meeting of February 1, 2021, as published. Motion declared carried as approved unanimously under Consent Agenda

APPOINTMENTS/
REAPPOINTMENTS

Appointments for Consideration:

Appointments

Expires

Library Board of Trustees

Michelle Shimon

06/30/2022

Christine Halblander

06/30/2022

Reappointments

Board of Fire and Police Commissioners

Thomas Green

04/30/2023

Library Board of Trustees

Bruce Lester

06/30/2023

Denise Hudec

06/30/2023

Vincent Rangel

06/30/2023

Nicholas Harkovich

06/30/2023

Planning and Zoning Board

Joseph Catalano

04/30/2023

Youth Commission

Rosalie Cullotta

09/04/2024

Gloria Ludwig

09/04/2024

Erin Moy

09/04/2024

Joanie Sebastian

09/04/2024

Ms. Halblander and Ms. Shimon thanked the City Council for their consideration.

NEW BUSINESS:

FINANCE & ADMINISTRATION – Alderman Chester, Chairman

WARRANT
REGISTER:

Moved by Chester, seconded by Brookman, to approve the Warrant Register of February 16, 2021 in the Amount of \$2,864,553.44 and approve Resolution R-41-21. Upon roll call, the vote was:

Resolution
R-41-21

AYES: 8 - Lysakowski, Moylan, Rodd, Zadrozny
 Brookman, Chester, Smith, Goczkowski
 NAYS: 0 - None
 ABSENT: 0 - None
 Motion declared carried.

COMMUNITY DEVELOPMENT – Alderman Rodd, Chairman

CONSIDER
SUPPORT OF
CLASS 6b/
1600-1710
SHERWIN
AVENUE:

Community and Economic Development Director McMahon reviewed a memorandum dated February 4, 2021.

BTC III O'Hare Logistics, LLC (BTC) has filed an application requesting a City resolution in support of a Cook County Class 6b Property Tax Incentive (Class 6b) application based on new construction for the property at 1600-1710 Sherwin Avenue.

On August 19, 2019 the City Council passed Resolution R-142-19 which reaffirmed the City Council's support for a Class 6b application to Cook County. The current owner, Sherwin Industrial I, LLC desires to sell the property to BTC. There are two conditions in the resolution; the first one states that the owner expend at least \$12,528,000 on the new construction and the second stated that the construction was completed by June 30, 2021. BTC is the contract purchaser and requests a new resolution with amended conditions to reflect the current status of the project. The overall project scope remains unchanged; however, timing of completion and overall construction cost will change. The construction value listed on the building permit application was \$9,176,349. BTC plans to complete the building construction and offer the space for lease with the build-out to follow, the build-out cost is unknown at this time.

Staff recommended approval of the application with conditions that after the building shell is complete, an additional \$250,000 be spent on permitted build-out costs and the building occupied by February 16, 2022.

The applicant is applying under New Construction. Cook County's Class 6b economic development tool encourages industrial investment by offering a real estate tax incentive. Qualified industrial properties are assessed at 10% of market value for the first 10 years, 15% in the 11th year and 20% in the 12th year. Normally, such properties are assessed at 25% of market value.

Moved by Chester, seconded by Goczkowski to approve Resolution R-42-21, A RESTATED AND AMENDED RESOLUTION REAFFIRMING THE CITY'S SUPPORT OF AND CONSENT TO APPROVAL OF CLASS 6B CLASSIFICATION FOR THE PROPERTY LOCATED AT 1600-1710 SHERWIN AVENUE, DES PLAINES, ILLINOIS. Upon roll call, the vote was:

AYES: 8 - Lysakowski, Moylan, Rodd, Zadrozny
 Brookman, Chester, Smith, Goczkowski
 NAYS: 0 - None
 ABSENT: 0 - None
 Motion declared carried.

CONSIDER
MAJOR
VARIATIONS/
1415 REDEKER
ROAD:

Consideration of Ordinance Z-29-21 and Z-30-21 will be combined.

Community and Economic Development Director McMahon reviewed a memorandum dated January 13, 2021.

The petitioner Jay Lazar, on behalf of 1415 Redeker, LLC, is requesting Major Variations for building setbacks, parking, and lot size for the property located at 1415 Redeker Road. The subject property is 52,382-square feet (1.203 acres) in size and is comprised of four lots, which are improved with a single 2-story building, surface parking areas on the north and east side of the building, and a drive aisle along the east side of the building that connects to River Road.

The petitioner wishes to sell off one of the four parcels to the property owner of 10 S. River Road who is proposing to resubdivide and absorb the easternmost portion of the property (Parcel 09-17-200-044-0000) located at 1415 Redeker Road. This request is tied with a Tentative Plat of Subdivision and Major Variation request at 10 S. River Road (Case #20-046-SUB-V).

Since the east annex structure is located entirety on Lot 2 and is attached with the rest of the multi-tenant building, the east annex structure would not meet current building and fire codes. Thus, the property owner of 10 River Road plans to demolish the east annex structure and replace it with a dust-free hard surface.

Aside from the portion of 1415 Redeker Road (Lot 2) being sold to the owner of 10 River Road, the proposal does not include any alterations to the existing building or site as a whole.

Based on the parking regulations, the total number of parking spaces required is 41 including two handicap accessible parking spaces. Given the loss of the parking and drive aisle area on Lot 2, the petitioner proposes to designate 18 parking spaces, including two handicap accessible parking spaces, at the front of the building located along Redeker Road. Since the provided parking count results in a 23 parking space deficit to the minimum parking space requirements pursuant to Section 12-9-7, the petitioner is requesting a parking variation.

There are several variations included with this request given that the subject property does not conform to building setback, parking, and minimum lot size requirements for the M-1, Limited Manufacturing District and the proposed resubdivision would increase the existing non-conforming building setbacks and parking availability for the building on 1415 Redeker Road, even with the removal of the east annex structure. Thus, the petitioner is also requesting five Major Variations.

The Planning and Zoning Board recommended (4-1) that the City Council approve the request without any conditions. One board member abstained from voting on this request.

Staff did not did not recommend approval or disapproval of the request.

Moved by Lysakowski, seconded by Brookman to approve Ordinance Z-29-21, AN ORDINANCE APPROVING MAJOR VARIATIONS FOR SECTION 12-3-6 OF THE CITY OF DES PLAINES ZONING ORDINANCE AT 1415 REDEKER ROAD, DES PLAINES, ILLINOIS (CASE #20-045-V). Upon roll call, the vote was:

AYES: 8 - Lysakowski, Moylan, Rodd, Zadrozny
Brookman, Chester, Smith, Goczkowski

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

CONSIDER
TENTATIVE PLAT
OF SUBDIVISION
AND MAJOR
VARIATIONS/
10 S. RIVER
ROAD:

The petitioner, Peter Damiano, is requesting a Tentative Plat of Subdivision and Major Variations for building setbacks and lot size for the property located at 10 S. River Road. The subject property is 10,862-square feet in size and is comprised of one lot, which is improved with a single building and parking area. The petitioner also currently holds a Land Lease with ComEd to park within the ComEd right-of-way located south of the properties at 24 River Road and 1415 Redeker Road.

The petitioner is proposing to resubdivide and absorb a portion of 1415 Redeker Road (Parcel 09-17-200-044-0000) located west of the subject property and behind the properties located at 20 River Road and 24 River Road shown as Lot 2 on the Proposed Site Plan. Lot 2 is 12,684-square feet in size and is comprised of one lot, which is improved with a portion of the multi-tenant manufacturing building located on 1415 Redeker Road and a gravel drive aisle/parking area. The petitioner proposes to improve Lot 2 with a paved, dust-free hard surface and utilize it to access the leased parking area within the ComEd right-of-way. Given the proposed acquisition of Lot 2 by the petitioner, this portion of the building, denoted as the East Annex on the Existing Floor Plan, will be demolished as part of this request within a year of City Council approval.

Based on the parking regulations, the total number of parking spaces required is four including one handicap accessible parking space. The petitioner proposes to add four required parking spaces, including the handicap accessible space.

There are several variations included with this request given that the subject property does not conform to building setback and minimum lot size requirements for the M-1, Limited Manufacturing District and the proposed resubdivision would increase the existing non-conforming building setbacks for the building on 1415 Redeker Road even with the removal of the East Annex building. Thus, the petitioner is also requesting four Major Variations.

The Planning and Zoning Board recommended (4-2) that the City Council approve the request without any conditions.

Staff did not did not recommend approval or disapproval of the request.

Mr. Damiano provided a brief overview of the request and answered questions.

Moved by Lysakowski, seconded by Chester to approve Ordinance Z-30-21, AN ORDINANCE APPROVING A TENTATIVE PLAT OF SUBDIVISION AND MAJOR VARIATIONS FROM SECTION 12-3-6 OF THE CITY OF DE PLAINES

ZONING ORDINANCE AT 10 S RIVER RAD, DES PLAINES, ILLINOIS (CASE #20-046-SUB-V). Upon roll call, the vote was:

AYES: 8 - Lysakowski, Moylan, Rodd, Zadrozny
Brookman, Chester, Smith, Goczkowski

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

**CLOSED
SESSION:**

Moved by Brookman, seconded by Moylan to adjourn to Closed Session to discuss Personnel and Sale of Property. Upon roll call, the vote was:

AYES: 8 - Lysakowski, Moylan, Rodd, Zadrozny
Brookman, Chester, Smith, Goczkowski

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

ADJOURNMENT:

The meeting adjourned at 8:04 p.m.

/s/ Laura Fast

Laura Fast – Deputy City Clerk

APPROVED BY ME THIS 1st

DAY OF March, 2021

/s/ Matthew J. Bogusz

Matthew J. Bogusz, MAYOR