

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, OCTOBER 16, 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 7:00 p.m. in the Eleanor Rohrbach Memorial Council Chambers, Des Plaines Civic Center on Monday, October 16, 2023.

ROLL CALL

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

Also present were: City Manager Bartholomew, Assistant City Manager/Director of Finance Wisniewski, Director of Public Works and Engineering Oakley, Assistant Director of Community and Economic Development Johnson, 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 Oskerka.

PROCLAMATION

City Clerk Mastalski read a proclamation by Mayor Goczkowski declaring the month of October as National Crime Prevention Month.

Mayor Goczkowski presented the proclamation to Police Chief Anderson.

PUBLIC COMMENT

A previous business owner in Des Plaines, is seeking to reopen her psychic business under the grandfathered-in regulations.

Resident Nick Caputo inquired about non-residents long terms parking regulations.

A couple residents expressed their frustration regarding their neighbor, and made complaints about the way the neighbor cares for their property.

Resident Phil Romanski encouraged the City Council to review and investigate the plans, and challenge the developer.

ALDERMAN ANNOUNCEMENTS

Alderman Sayad thanked the speakers and guests of the ward meeting. He also mentioned the second budget meeting will be next Wednesday at 6:00 p.m., and on October 21st from 9:00 a.m.-12:00 p.m. at RecPlex there will be a free shredding event sponsored by the Lions Club of Mount Prospect.

Alderman Charewicz stated on October 28th the park district is hosting Trunk or Treat at Prairie Lakes from 12:00 p.m.-3:00 p.m. with a cost of \$2.00 per child; and on the same day Izaak is hosting a bonfire bash and flashlight trail walk from 4:00 p.m.-7:00p.m. He also thanked the speakers at his last ward meeting, and mentioned his next meeting will be December 5th. He reminded everyone that today was the first day for picking up leaves, and the 8th ward is zone four which means pick-up will be this Wednesday and each Wednesday after that for entire season.

MAYORAL ANNOUNCEMENTS

Mayor Goczkowski encouraged everyone to take a look at the City calendar, and he thanked staff for their work on the Harvest Hoot.

CONSENT AGENDA

Alderman Oskerka requested item #1 to be removed from the consent agenda.

Resident Deb Lester requested item #3 to be removed from the consent agenda.

Moved by Lysakowski, seconded by Sayad, to Establish the Consent Agenda without item #1 and #3.

Upon voice vote, the vote was:

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

NAYS: 0 - None

ABSENT: 2 - Brookman, Smith

Motion declared carried.

Moved by Oskerka, seconded by Sayad, to Approve the Consent Agenda without item #1 and #3.

Upon roll call, the vote was:

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

NAYS: 0 - None

ABSENT: 2 - Brookman, Smith

Motion declared carried.

Minutes were approved; Resolutions R-180-23, R-182-23 were adopted.

City Clerk Mastalski read the items removed from the consent agenda.

**APPROVE CHG ORD
4/ PLAN REV & BLDG
INSPEC/ HR GREEN
Consent Agenda**

Alderman Oskerka requested item #1 to be removed from the consent agenda.

Alderman Oskerka stated he has some concerns which how fast the City is turning over permits to the constituents.

**Resolution
R-179-23**

Moved by Oskerka, seconded by Walsten, to Approve Resolution R-179-23, A RESOLUTION APPROVING CHANGE ORDER NO. 4 TO A CONTRACT WITH H.R. GREEN, INC. FOR PLAN REVIEW AND BUILDING INSPECTION SERVICES.

Upon roll call, the vote was:

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

NAYS: 1 - Sayad

ABSENT: 2 - Brookman, Smith

Motion declared carried.

**APPROVE CHG ORD
2/ PLAN REV & BLDG
INSPEC/ B&F
Consent Agenda**

Moved by Oskerka, seconded by Sayad, to Approve Resolution R-180-23, A RESOLUTION APPROVING CHANGE ORDER NO. 2 TO A CONTRACT WITH B&F CONSTRUCTION CODE SERVICES, INC. FOR PLAN REVIEW AND BUILDING INSPECTION SERVICES. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-180-23**

Resident Deb Lester requested item #3 to be removed from the consent agenda.

**APPROVE &
ACCEPT/ 1425
ELLINWOOD ST
Consent Agenda**

Moved by Oskerka, seconded by Moylan, to Approve Resolution R-181-23, A RESOLUTION APPROVING AND ACCEPTING THE PUBLIC IMPROVEMENTS, APPROVING THE RELEASE OF THE REMAINING PERFORMANCE SECURITY AND PARKING LOT RESTORATION DEPOSIT, AND AUTHORIZING THE FINAL STREETSCAPE REIMBURSEMENT PAYMENT FOR THE BAYVIEW COMPASSPOINT MIXED-USE DEVELOPMENT AT 1425 ELLINWOOD STREET (WELKIN APARTMENTS).

No vote.

**Resolution
R-181-23**

Moved by Walsten, seconded by Sayad, a substitute motion to Defer until the next Council meeting, Resolution R-181-23, A RESOLUTION APPROVING AND ACCEPTING THE PUBLIC IMPROVEMENTS, APPROVING THE RELEASE OF THE REMAINING PERFORMANCE SECURITY AND PARKING LOT RESTORATION DEPOSIT, AND AUTHORIZING THE FINAL TREESCAPE REMBURSEMENT PAYMENT FOR THE BAYVIEW MIXED-USE DEVELOPMENT AT 1425 ELLINWOOD STREET (WELKIN APARTMENTS).

Upon roll call, the vote was:

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

NAYS: 1 - Moylan

ABSENT: 2 - Brookman, Smith

Motion declared carried.

Dennis Thompson spoke on behalf of the builder.

A couple residents brought to the attention of the City Council warranty items, design issues, and safety issues with the property.

AUTH EXPEND FUNDS/ DELL & MS
Consent Agenda

Moved by Oskerka, seconded by Sayad, to Approve Resolution R-182-23, A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS UNDER AGREEMENTS WITH DELL MARKETING L.P. AND MICROSOFT CORPORATION. Motion declared carried as approved unanimously under Consent Agenda.

Resolution R-182-23

APPROVE MINUTES
Consent Agenda

Moved by Oskerka, seconded by Sayad, to Approve the Minutes of the City Council meeting of October 2, 2023, as published. Motion declared carried as approved unanimously under Consent Agenda.

APPROVE MINUTES
Consent Agenda

Moved by Oskerka, seconded by Sayad, to Approve the Closed Session Minutes of the City Council meeting of October 2, 2023, as published. Motion declared carried as approved unanimously under Consent Agenda.

NEW BUSINESS

FINANCE & ADMINISTRATION – Alderman Sayad, Chair

WARRANT REGISTER

Alderman Sayad presented the Warrant Register.

Resolution R-183-23

Moved by Sayad, seconded by Walsten, to Approve the Warrant Register of October 16, 2023, in the Amount of \$5,397,378.66 and Approve Resolution R-183-23.

Upon roll call, the vote was:

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

NAYS: 0 - None

ABSENT: 2 - Brookman, Smith

Motion declared carried.

COMMUNITY DEVELOPMENT – Alderman Moylan, Chair

CONSIDER APPROVE A FINAL PLAT OF SUBDIV FOR 1331- 1345 E.

Assistant Director of Community & Economic Development Johnson reviewed a memorandum dated October 5, 2023.

**GOLF RD/16 MARY
ST**
Resolution
R-184-23

The petitioner is requesting a Final Plat of Subdivision to consolidate the existing four lots into one lot of record for the existing childcare center use and proposed outdoor bulk material facility use. The proposed subdivision shows the following building lines and easements: (i) a new 65-foot front building setback line along the north property line abutting Golf Road; (ii) new 50-foot side building setback lines along the east (abutting Mary Street) and west (abutting Auto Krafters at 1285 E. Golf Road) property lines; (iii) a new 25-foot rear building setback line along the south property line abutting Redeker Road; (iv) 5-foot public utility easements along the south (abutting Redeker Road) and east (abutting Mary Street) property lines; and (v) an approximate 62-foot-wide by 297-foot-long stormwater management easement located towards the center of the lot and extending down to the south property line.

The petitioner is required to provide documentation of the approval of all proposed utility easements from the applicable private utility companies. The subject property is currently served by NICOR and Commonwealth Edison (ComEd) and the existing utility connections and service is not subject to change as part of this request.

Chapter 13-3 of the Subdivision Regulations allows the City to require various right-of-way (ROW) improvements based on criteria such as traffic and effect on adjacent properties. The developer is required to (i) remove two existing curb cuts off Golf Road and replace with a new three-lane, full access curb cut onto Golf Road per IDOT comments; (ii) remove an existing curb cut off Mary Street; (iii) upgrade the existing curb-cut on Redeker Road with a new three-lane, full access curb-cut; (iv) remove the existing concrete median on Golf Road and its replacement with a new left-turn lane per IDOT comments; and (v) add a curb along the north side of regular road. The developer has provided PWE with an estimated cost of public improvements totaling \$2,518,000, an amount for which PWE has approved. A performance security in the form of a letter of credit, with the City named as the beneficiary, will be required to secure the improvements.

The proposal includes on-site improvements including (i) the removal of the existing non-paved area and outdoor activity area for the childcare center on the subject property and the development on 1331 E. Golf; and (ii) the installation of outdoor storage bins, paved operations/parking areas, upgraded site access points, and new outdoor activity area for the childcare center. The existing building, cell tower, and on-street parking areas along Mary Street would be retained as part of this project, with some parking lot upgrades proposed.

The PZB split their determination into two motions: voted 7-0 to approve the Tentative Plat of Subdivision; and voted 7-0 to approve the Final Plat of Subdivision and forward it onto the City Council. There are no proposed conditions of approval associated with this request.

Petitioner Pat Mauro spoke on his own behalf.

Moved by Walsten, seconded by Oskerka, to Approve Resolution R-184-23, A RESOLUTION APPROVING A FINAL PLAT OF SUBDIVISION FOR THE PROPERTY LOCATED AT 1331- 1345 E. GOLF ROAD/16 MARY STREET, DES PLAINES, ILLINOIS (Case #23-053-CU-FPLAT-V).

Upon roll call, the vote was:

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

NAYS: 0 - None

ABSENT: 2 - Brookman, Smith

Motion declared carried.

CONSIDER
APPROVING A BUS
ASSIST PROG GRANT

An Asian-fare barbecue and hot pot restaurant, initially branded as Hot Pot 757 and now Galaxy Hot Pot, is proposing to locate at 1417 Ellinwood in a substantial portion of the ground-floor commercial space in The Welkin mixed-use development. The business owners

**(GROWTH) FOR HOT
POT 757 CH INC**

**Resolution
R-185-23**

are requesting a \$100,000 Business Assistance Program (BAP) GROWTH grant toward build-out.

Separately the Council will consider a sales tax sharing agreement through which the City would rebate half of the municipal sales tax collected for the business's first five years, up to a cap of \$250,000.

Applicant Yun Lin of Galaxy Hot Pot (formerly Hot Pot 757) is asking the City Council to approve a GROWTH grant – provided as a lump reimbursement after completion of build-out construction – for a \$100,000 toward \$780,000 of identified, eligible project expenses under the adopted BAP guidelines. As listed in the contractor quote from Chicago-based Newtech Engineering, the project includes components such as a hood system (\$150,000), waterline installation (\$150,000), electrical wiring (\$150,000), duct work (\$50,000), refrigeration and freezer (\$130,000), and restrooms (\$150,000). The \$780,000 is not intended to be comprehensive for the entire project cost – the but instead isolate the proposed work by the identified contractor. Because the BAP guidelines allow an award to cover up to 50 percent of eligible project costs, \$100,000 would fall well within that threshold, and therefore the \$780,000 quote amount is sufficient to demonstrate eligibility for the award. The project budget indicates an 8-12-month project with a target opening in Spring 2024. The business plan articulates the concept for the restaurant and why they are choosing downtown Des Plaines and “The Welkin” specifically.

A representative of the petitioner spoke on their behalf.

Moved by Moylan, seconded by Oskerka, to Approve Resolution R-185-23, A RESOLUTION APPROVING A BUSINESS ASSISTANCE PROGRAM GRANT (GROWTH) FOR HOT POT 757 CH INC. AT 1417 ELLINWOOD.

Upon roll call, the vote was:

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

NAYS: 0 - None

ABSENT: 2 - Brookman, Smith

Motion declared carried.

**CONSIDER
APPROVING A SALES
TAX REBATE**

**AGRMT FOR HOT
POT 757 CH INC**

**Resolution
R-186-23**

An Asian-fare barbecue and hot pot restaurant, initially branded as Hot Pot 757 and now Galaxy Hot Pot, is proposing to locate at 1417 Ellinwood in a substantial portion of the ground-floor commercial space in The Welkin mixed-use development. The business owners are requesting a sales tax sharing agreement through which the City would rebate half of the municipal sales tax collected for the business's first five years, up to a cap of \$250,000. Separately the Council will consider a \$100,000 Business Assistance Program (BAP) GROWTH grant toward build-out.

Applicant Yun Lin has submitted for the City Council's consideration a business plan and request for assistance in the form of sharing sales tax in the business's first five years, up to a maximum of \$250,000 in shared revenue. The sharing would end after five years or when the \$250,000 cap is reached, whichever comes first.

The applicant has submitted a \$780,000 build-out contractor quote that identifies components such as a hood system (\$150,000), waterline installation (\$150,000), electrical wiring (\$150,000), duct work (\$50,000), refrigeration and freezer (\$130,000), and restrooms (\$150,000). The project budget indicates an 8-12-month build-out with a target opening in April 2024. Although the BAP Growth grant guidelines would allow the Council to considering awarding up to 50 percent of this project budget in an “upfront” lump award (i.e., a reimbursement paid upon the work being completed), instead the applicant requested, and Council signaled preliminary support on August 21 for a structure that limits the grant

award to \$100,000 but provides additional assistance in sharing sales tax. Sharing sales tax is a “performance-based” award, which incentivizes the applicant to be as successful as possible as quickly as possible. The applicant projects \$5 million in gross sales in their first year and provides projections that assume yearly growth, as well as explanation for how the ongoing assistance will be used. The restaurant will be subject to a total one percent annual sales tax on its gross sales, and the agreement rebates half of that tax to the restaurant with the City retaining the other half. Upon the conclusion or termination of the agreement, the City will retain the full one percent.

Moved by Charewicz, seconded by Lysakowski, to Approve Resolution R-186-23, A RESOLUTION APPROVING A SALES TAX REBATE AGREEMENT FOR HOT POT 757 CH INC. AT 1417 ELLINWOOD STREET.

Upon roll call, the vote was:

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

CONSIDER
APPROVING A
PUBLIC PARKING
LEASE AGRMNT
WITH 1425
ELLINWOOD
APARTMENTS, LLC
Resolution
R-187-23

Assistant Director of Community & Economic Development Johnson reviewed a memorandum dated October 5, 2023.

On June 4, 2018, the City Council approved Ordinance M-9-18, which authorized the City to enter into a purchase and sale agreement (PSA) for a former City-owned parking lot at 665 Graceland. The Ordinance also approved a redevelopment agreement (RDA) along with the PLA. The indoor public parking spaces have been constructed, inspected, and approved by the City. The City can now formally accept the spaces, officially opening the garage for public use. This action will fulfill the City’s expectation to access the 79 indoor public parking spaces as partial consideration for the sale of the previous surface parking lot and will also continue through on the envisioned public-private partnership. Initially, the City will offer the 79 spaces free of charge, limited to three hours between 6 a.m. and 6 p.m., but with no overnight parking; signs informing the public of these limitations have been installed in the public portion of the garage.

The original PLA established requirements and terms that both parties subsequently found to be too restrictive and cumbersome. Changes to certain terms of the agreement include:

- Original term: Section 3.B of the original PLA was structured as a license agreement to the City for the portion of the garage used for public parking that would be exempt from property taxes.
 - Proposed term: The City Attorney confirmed with the Illinois Department of Revenue that the original agreement’s tax-exempt structure is not achievable. For this reason, the new agreement is structured as a lease. The operational payments noted above would be converted to rent payments pursuant to this new lease structure. Approving the new lease agreement honors the intent of the original PLA while also facilitating property tax-exempt status through a separate Property Index Number (PIN). The separate PIN would encompass those portions of the first floor containing public parking spaces on the ground floor. A survey and legal description of the public parking spaces is included as an exhibit to the new agreement. The remaining portion of the building not subject to the Lease would be part of a separate PIN and would be taxable property.
- Original term: The developer would construct the 79 spaces as illustrated in an exhibit to the PLA:
 - Proposed term: The original exhibit is out of date and does not reflect the final location and configuration of the public parking spaces. The original plan

concentrated the spaces solely on the Graceland side of the building. The revised configuration included with this revised PLA allocates spaces near both of the garage entrance/exits at Lee Street and Graceland Avenue. This configuration is expected to be more convenient for visitors and customers of businesses on the east side of the development.

- Original term: The City would purchase and the Developer would install emergency call buttons and surveillance cameras on the first floor of the parking deck throughout the public parking area.
 - Proposed term: City Public Works and Engineering (PWE) staff informed the developer in 2021 that the City would evaluate the need after the garage is open. The new agreement expresses this flexibility.
- Original term: The City will make operational payments to the Developer (or successor) for 30 years for the public parking spaces. The payments under the current PLA are due monthly.
 - Proposed term: Making monthly payments is administratively burdensome, so the amended agreement calls for payments only once per year.

Resident Deb Lester commented on parking signs and enforcement, and safety measures.

Another resident also commented on safety measures and cameras in the parking lot.

Moved by Walsten, seconded by Oskerka, to Approve Resolution R-187-23, A RESOLUTION APPROVING A PUBLIC PARKING LEASE AGREEMENT WITH 1425 ELLINWOOD APARTMENTS, LLC FOR WELKIN APARTMENTS- 1425 ELLINWOOD.

Upon roll call, the vote was:

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

NAYS: 1 - Sayad

ABSENT: 2 - Brookman, Smith

Motion declared carried.

OTHER ALDERMAN COMMENTS

Alderman Oskerka stated Catholic charities is hosting a coat giveaway Thursday, October 19th from 10:00 a.m. to 12:00 p.m., from 1:00 p.m. to 3:00 p.m. and from 5:00 p.m. to 6:30 p.m. at 1717 Rand Road.

ADJOURNMENT

Moved by Walsten, seconded by Oskerka to adjourn the meeting. Upon voice vote, motion declared carried. The meeting adjourned at 8:35 p.m.

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

APPROVED BY ME THIS 6th
DAY OF November, 2023

/s/ Andrew Goczkowski
Andrew Goczkowski, MAYOR