

**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 1, 2016**

**CALL TO  
ORDER:**

The regular meeting of the City Council of the City of Des Plaines, Illinois, was called to order by City Clerk Ludwig at 6:00 p.m. in the Eleanor Rohrbach Memorial Council Chambers, Des Plaines Civic Center on Monday, August 1, 2016.

**ROLL CALL:**

Roll call indicated the following Aldermen present: Haugeberg, Robinson, Rodd, Sayad, Brookman, Chester, Smith and Charewicz. A quorum was present.

Also present were: City Manager Bartholomew, Assistant City Manager/Director of Finance Wisniewski, Economic Development Coordinator Pruss, Fire Chief Wax, Police Chief Kushner, Director of Public Works and Engineering Oakley and General Counsel Friedman.

City Clerk Ludwig announced that Mayor Bogusz will not be in attendance at tonight's meeting and requested a motion to appoint a Mayor Pro Tem.

Motion by Rodd to appoint Alderman Charewicz as Mayor Pro Tem.

There was no second and the motion was not considered.

Moved by Charewicz, seconded by Rodd, for a motion to appoint Alderman Smith as Mayor Pro Tem. Motion declared carried.

Mayor Pro Tem Smith requested a motion to enter into Closed Session.

**FIRST CLOSED  
SESSION:**

Moved by Sayad, seconded by Haugeberg, to enter into Closed Session to discuss Collective Bargaining, Personnel, Probable or Imminent Litigation and Purchase or Lease of Property. Upon roll call, the vote was:

AYES: 8-Haugeberg, Robinson, Rodd, Sayad,  
Brookman, Chester, Smith, Charewicz

NAYS: 0-None

ABSENT: 0-None

Motion declared carried.

The City Council recessed at 6:03 p.m.

The City Council reconvened at 7:00 p.m.

Roll call indicated the following Aldermen present: Haugeberg, Robinson, Rodd, Sayad, Brookman, Chester, Smith and Charewicz. A quorum was present.

**PRAYER AND  
PLEDGE:**

The opening prayer was given by Alderman Charewicz, followed by the Pledge of Allegiance to the Flag of the United States of America.

**CITIZEN PART.:**

Resident Jim Fornelli addressed the City Council commenting on the construction work being done on Cambridge and asking about the status of the Polo Building. General Counsel Friedman gave a status report on the Polo Inn building.

Will Soderberg on behalf of the Des Plaines Arts Council addressed the City Council stating that the pop up exhibit in Metropolitan Square will hold an opening reception and invited the residents to attend.

**CITY CLERK  
ANNOUNCEMENTS:**

City Clerk Ludwig announced various community events taking place during August and September.

**CONSENT  
AGENDA:**

Motion by Sayad, seconded by Chester, to establish the Consent Agenda. Motion declared carried.

Motion by Haugeberg, seconded by Robinson, to approve the Consent Agenda. Upon roll call, the vote was:

AYES: 8-Haugeberg, Robinson, Rodd, Sayad,  
Brookman, Chester, Smith, Charewicz

NAYS: 0-None

ABSENT: 0-None

Motion declared carried.

Staff recommendations and requests were approved; Resolutions R-110-16, R-115-16, R-119-16 and R-120-16 were adopted; Ordinances M-22-16, M-23-16 and M-24-16 were placed on First Reading; Ordinance Z-15-16 was adopted and Minutes of the Regular Council Meeting of July 18, 2016 was approved.

**ADOPT POTABLE  
WATER  
RESTRICTION/  
800 ELMHURST  
ROAD:**

**Consent  
Agenda**

**Ordinance  
M-22-16**

Moved by Haugeberg, seconded by Robinson, to concur with Staff recommendation to adopt Potable Groundwater Use Restriction Ordinance for 800 Elmhurst Road, Des Plaines to allow for BP Products North America, Inc. (previous owner of 1590 South Elmhurst Road, Mt. Prospect) the ability to obtain a No Further Remediation Letter from the Illinois Environmental Protection Agency; and further recommend to place on First Reading Ordinance M-22-16, 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 AT 800 ELMHURST ROAD IN THE CITY OF DES PLAINES. Motion declared carried as approved unanimously under Consent Agenda.

**REJECT BID/  
APPROVE  
PURCHASE/ TWO  
FORD TRUCKS/  
PUBLIC WORKS**

**DEPT.:**  
**Consent  
Agenda**

Moved by Haugeberg, seconded by Robinson, to concur with Staff recommendation to reject Single Bid received from Lindco Equipment Sales, Inc. for two (2) Ford F-550 Trucks per Specifications Received on June 3, 2016 and Purchase two (2) Ford F-550 Trucks with *Related* Equipment through the Suburban Purchasing Cooperative Contract #146 from Currie Motors, 9423 W. Lincoln Highway, Frankfort, IL in the amount of \$123,855 (Budgeted Funds – Vehicle Replacement Fund); and further recommend to adopt Resolution R-110-16, A RESOLUTION A RESOLUTION REJECTING SOLE BID FOR THE PURCHASE OF TWO FORD TRUCKS AND APPROVING PURCHASE OF

**Resolution  
R-110-16**

TWO FORD TRUCKS THROUGH THE NORTHWEST MUNICIPAL CONFERENCE FROM CURRIE MOTORS OF FRANKFORT, ILLINOIS. Motion declared carried as approved unanimously under Consent Agenda.

**APPROVE CDBG  
PROGRAM YEAR  
2016 ANNUAL  
ACTION PLAN:  
Consent  
Agenda**

Moved by Haugeberg, seconded by Robinson, to concur with Staff recommendation to approve City of Des Plaines Community Development Block Grant Program Year 2016 Annual Action Plan; and further recommend to adopt Resolution R-115-16, A RESOLUTION A RESOLUTION APPROVING THE CITY OF DES PLAINES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM 2016 ANNUAL ACTION PLAN. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution  
R-115-16**

**APPROVE  
SURPLUS  
PROPERTY/  
DONATE  
RADIO'S/ FIRE  
DEPT.  
Consent  
Agenda**

Moved by Haugeberg, seconded by Robinson, to concur with Staff recommendation to approve Surplus Property of 25 Fire Department Portable Radios and donation to the Northeastern Illinois Public Safety Training Academy (NIPSTA) in exchange for a \$625.00 Training Tuition Credit; and further recommend to place on First Reading Ordinance M-23-16, AN ORDINANCE DECLARING PERSONAL PROPERTY OWNED BY THE CITY OF DES PLAINES AS SURPLUS, AND AUTHORIZING THE DISPOSITION OF SUCH PERSONAL PROPERTY TO THE NORTHEASTERN ILLINOIS PUBLIC SAFETY TRAINING ACADEMY. Motion declared carried as approved unanimously under Consent Agenda.

**Ordinance  
M-23-16**

**APPROVE  
DISPOSAL OF  
CERTAIN CITY  
VEHICLES:  
Consent  
Agenda**

Moved by Haugeberg, seconded by Robinson, to concur with Staff recommendation to approve disposal of certain City Vehicles and Equipment through Obenauf Auction Service, Inc., 810 Magna Drive, Round Lake, Illinois; and further recommend to place on First Reading Ordinance M-24-16, AN ORDINANCE AUTHORIZING THE DISPOSITION OF PERSONAL PROPERTY OWNED BY THE CITY OF DES PLAINES. Motion declared carried as approved unanimously under Consent Agenda.

**Ordinance  
M-24-16**

**ORDINANCE  
Z-15-16  
COND. USE/  
445 SOUTH  
RIVER RD.:  
Consent  
Agenda**

Moved by Haugeberg, seconded by Robinson, to adopt Ordinance Z-15-16, AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT FOR A CAR WASH AND AUTO DETAILING FACILITY ON A SITE LESS THAN 25,000 SQUARE FEET IN THE C-3 ZONING DISTRICT AT 445 SOUTH RIVER ROAD, DES PLAINES, ILLINOIS. (CASE #16-025-CU). Motion declared carried as approved unanimously under Consent Agenda.

**ADVERTISE BID/  
TIF #  
DOWNTOWN  
STREETSCAPE –**

Moved by Haugeberg, seconded by Robinson, to concur with Staff recommendation to authorize the City Clerk to advertise for bid TIF #1 Downtown Streetscape – Phase III Project. Motion declared carried as approved unanimously under Consent Agenda.

**PHASE III  
PROJECT:**  
**Consent  
Agenda**

**MINUTES/  
REGULAR MTG.:**  
**Consent  
Agenda**

Moved by Haugeberg, seconded by Robinson, to approve Minutes of Regular City Council Meeting of July 18, 2016, as published. Motion declared carried as approved unanimously under Consent Agenda.

**APPROVE  
INTERGOV'L  
AGR./ IL STATE  
TOLL HGHWY  
AUTHORITY/  
CONVEY PROP.:**  
**Consent  
Agenda**

Moved by Haugeberg, seconded by Robinson, to concur with Staff recommendation to approve Intergovernmental Agreement with the Illinois State Toll Highway Authority (ISTHA) for Conveyance of Excess Property; and to adopt Resolution R-119-16, A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE ILLINOIS STATE TOLL HIGHWAY AUTHORITY FOR CONVEYANCE OF EXCESS PROPERTY. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution  
R-119-16**

**APPROVE  
INTERGOV'L  
AGR./ COOK  
COUNTY/  
CONVEY PROP.:**  
**Consent  
Agenda**

Moved by Haugeberg, seconded by Robinson, to concur with Staff recommendation to approve Intergovernmental Agreement with Cook County for Conveyance of Excess Property, TIF #7; and to adopt Resolution R-120-16, A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE COUNTY OF COOK FOR CONVEYANCE OF EXCESS PROPERTY. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution  
R-119-16**

**MAYOR PRO TEM SMITH DECLARED THAT THE CITY COUNCIL  
WAS NOW RESOLVED INTO A COMMITTEE OF THE WHOLE**

**FINANCE & ADMINISTRATION:** – Alderman Smith, Chair

**WARRANT  
REGISTER:**

Alderman Sayad stated that he objects to paying invoices from Holland & Knight because we could get them cheaper by an outside or in house service.

Moved by Rodd, seconded by Chester, to recommend to the City Council approval of the August 1, 2016 – Warrant Register, in the total amount of \$4,527,194.74; and further recommend that Resolution R-117-16 be adopted at appropriate time this evening. Motion declared carried.

**COMMUNITY DEVELOPMENT** – Alderman Charewicz, Chair

**CLASS 6b PROP.**  
**TAX INCENTIVE/**  
**1505 S. MT.**  
**PROSPECT RD.:**

Economic Development Coordinator Pruss reviewed a Memorandum dated July 11, 2016 regarding a Class 6b request from Petitioner Rawls Road Properties, Inc. for 1501 S. Mt. Prospect Road. Rawls Road Properties, LLC, has filed an application requesting a City resolution in support of its Class 6B Tax Incentive application based on occupation of abandoned property for greater than twenty-four (24) months continuous vacancy with a purchase for value but with substantial rehabilitation. The applicant plans to rehabilitate the subject property and lease the site to BHB Chicago LLC, D/B/A BonaDent Dental, a dental implant manufacturer, warehouse and distributor. Ms. Pruss answered questions from the Aldermen.

Discussion was held.

Mr. James Olguin, Attorney for Petitioner Rawls Road Properties, Inc., appeared before the City Council to answer questions from the Aldermen.

Moved by Brookman, seconded by Rodd, to amend Resolution R-118-16 to include creation of sidewalks. Motion declared carried.

Moved by Rodd, seconded by Chester, to recommend to the City Council approval to support and consent to the filing of Rawls Road Properties, LLC Class 6b application to the Cook County Assessor's Office and that Resolution R-118-16, as amended, be adopted at appropriate time this evening. Motion declared carried.

**APPROVE**  
**FINAL PUD AND**  
**FINAL PLAT OF**  
**SUBDIVISION/**  
**2985-3003**  
**MANNHEIM RD.,**  
**3011-3045**  
**ORCHARD RD.,**  
**10194, 10246 AND**  
**10256 HIGGINS**  
**RD.:**

Economic Development Coordinator Pruss reviewed a Memorandum dated July 21, 2016 regarding consideration of a Final Planned Unit Development and Final Subdivision Plat at: Properties South of I-90, North of Higgins Road and West of the Canadian National Railroad Tracks, addresses including, but not limited to 2985-3003 Mannheim Road, 3011-3045 Orchard Place, and 10194, 10246 and 10256 Higgins Road and specifically excluding 3067 Mannheim Road, Case #16-046-FPUDFSUB. Petitioner O'Hare Real Estate, LLC is requesting approval of a Final Unit Development (PUD) for The Orchards at O'Hare, a commercial PUD under Section 12-3-5 of the 1998 City of Des Plaines Zoning Ordinance, as amended, and a Final Plat of Subdivision, under Section 13-2-2 of Subdivision Regulations of the City of Des Plaines Municipal Code, to allow for the construction of a 128 room hotel with a Class A restaurant; gasoline service station with convenience store, car wash, and Class B restaurant; and one freestanding Class A restaurant on approximately 9.0877 acres and eight lots, with one requested PUD exception from the C-3, General Commercial Zoning District standards for building height over 45 feet in the C-3 Zoning District, Section 12-7-3.L. of the 1998 City of Des Plaines Zoning Ordinance, Case #16-027-PUD-SUB.

The preliminary plan for the proposed development was approved by the City Council on June 20, 2016 (6-2). The proposed final PUD is in substantial conformance with the approved preliminary plan with modifications.

**APPROVE**  
**FINAL PUD AND**  
**FINAL PLAT OF**  
**SUBDIVISION/**  
**2985-3003**  
**MANNHEIM RD.,**  
**3011-3045**  
**ORCHARD RD.,**  
**10194, 10246 AND**  
**10256 HIGGINS**  
**RD.:**  
 (Cont'd)

The Planning and Zoning Board considered this application at their July 26, 2016 regular meeting and recommended *approval* (4-0) of the Final Planned Unit Development and Final Plat of Subdivision, subject to conditions.

The Department of Community and Economic Development Department, the Public Works and Engineering Department, and the Fire Department recommend approval of the Final Planned Unit Development, subject to conditions.

Moved by Haugeberg, seconded by Sayad, to recommend to the City Council approval of the Final Planned Unit Development and Final Subdivision Plat, Case #16-046-FPUD-FSUB, subject to conditions and that Ordinance Z-18-16 be adopted at appropriate time this evening. Motion declared carried.

**MAYOR PRO TEM SMITH ASSUMED THE CHAIR AND DECLARED THE CITY COUNCIL BACK IN SESSION.**

**UNFINISHED BUSINESS:**

**MAP**  
**AMENDMENT/**  
**FINAL PUD/**  
**FINAL PLAT OF**  
**SUBDIVISION/**  
**783-841 LEE**  
**STREET:**

Moved by Haugeberg, seconded by Robinson, to defer the matter of Ordinance Z-17-16, an Ordinance approving a Final Plat of Planned Unit Development with Permitted Exceptions and a Final Plat of Subdivision for the Property Located at 783-841 Lee Street, Des Plaines, Illinois (Case #16-037-PUD-SUB) (*tabled from 7/18/16 City Council Meeting*) to a Special Council Meeting on August 8, 2016 at 7:30 p.m. Motion declared carried.

**Ordinance**  
**Z-17-16**

**APPROVE**  
**SECOND**  
**RENEWAL 5-**  
**YEAR AGR./**  
**BUS SHELTERS:**

Director of Public Works and Engineering Oakley reviewed a Memorandum dated July 28, 2016 regarding a Transit Advertising Shelter Agreement.

Moved by Charewicz, seconded by Haugeberg, to approve the modified renewal agreement with Illinois Convenience & Safety Corporation, 6624 West Irving Park Road, Chicago, Illinois 60634-2435 to install and maintain transit advertising shelters for a five-year term with a 5-year renewal option at the will of the City and adopt Resolution R-101-16, A RESOLUTION APPROVING A SECOND RENEWAL AGREEMENT WITH THE ILLINOIS CONVENIENCE AND SAFETY CORPORATION FOR THE INSTALLATION AND MAINTENANCE OF ADVERTISING IN TRANSIT SHELTERS. Upon roll call, the vote was:

AYES: 8-Haugeberg, Robinson, Rodd, Sayad,  
 Brookman, Chester, Smith, Charewicz

NAYS: 0-None

ABSENT: 0-None

Motion declared carried.

**Resolution**  
**R-101-16**

**DISCUSSION/  
CONSIDERATION  
PUBLIC SAFETY  
UNIFORM  
PATCHES:**

Discussion was held.

It was the consensus of the Aldermen to refer this matter to the Public Safety Committee for discussion and review.

**NEW BUSINESS:**

**WARRANT  
REGISTER:**

**Resolution  
R-117-16**

Moved by Smith, seconded by Haugeberg, to concur with recommendation of Committee of the Whole to adopt Resolution R-117-16, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES PLAINES THAT THE FOLLOWING BILLS ARE DUE AND PAYABLE AND THAT THE MAYOR AND CITY CLERK BE AND ARE HEREBY AUTHORIZED TO MAKE PAYMENT FOR SAME. Total: \$4,527,194.74. Upon roll call, the vote was:  
AYES: 8-Haugeberg, Robinson, Rodd, Sayad,  
Brookman, Chester, Smith, Charewicz  
NAYS: 0-None  
ABSENT: 0-None  
Motion declared carried.

**CLASS 6b PROP.  
TAX INCENTIVE/  
1505 S. MT.  
PROSPECT RD.:**

**Resolution  
R-118-16**

Moved by Charewicz, seconded by Rodd, to concur with recommendation of Committee of the Whole to adopt Resolution R-118-16, A RESOLUTION SUPPORTING AND CONSENTING TO APPROVAL OF CLASS 6b CLASSIFICATION FOR THE PROPERTY LOCATED AT 1505 SOUTH MOUNT PROSPECT ROAD. Upon roll call, the vote was:  
AYES: 8-Haugeberg, Robinson, Rodd, Sayad,  
Brookman, Chester, Smith, Charewicz  
NAYS: 0-None  
ABSENT: 0-None  
Motion declared carried.

**APPROVE  
FINAL PUD AND  
FINAL PLAT OF  
SUBDIVISION/  
2985-3003  
MANNHEIM RD.,  
3011-3045  
ORCHARD RD.,  
10194, 10246 AND  
10256 HIGGINS  
RD.:**

Moved by Charewicz, seconded by Rodd, to concur with recommendation of Committee of the Whole to place on First Reading Ordinance Z-18-16, AN ORDINANCE APPROVING A FINAL PLAT OF PLANNED UNIT DEVELOPMENT WITH A PERMITTED HEIGHT EXCEPTION AND A FINAL PLAT OF SUBDIVISION FOR THE PROPERTY LOCATED AT 2985-3003 MANNHEIM ROAD, 3011-3045 ORCHARD PLACE, AND 10194, 10246 AND 10256 HIGGINS ROAD, DES PLAINES, ILLINOIS. (CASE #16-043-FSUB-FPUD). Motion declared carried.

**ORDINANCE  
Z-18-16**

**ORDINANCE  
Z-18-16**

Moved by Charewicz, seconded by Haugeberg, to advance to Second Reading and adopt Ordinance Z-18-16, AN ORDINANCE APPROVING A FINAL

**APPROVE  
FINAL PUD AND  
FINAL PLAT OF  
SUBDIVISION/  
2985-3003  
MANNHEIM RD.,  
3011-3045  
ORCHARD RD.,  
10194, 10246 AND  
10256 HIGGINS  
RD.:**

PLAT OF PLANNED UNIT DEVELOPMENT WITH A PERMITTED HEIGHT EXCEPTION AND A FINAL PLAT OF SUBDIVISION FOR THE PROPERTY LOCATED AT 2985-3003 MANNHEIM ROAD, 3011-3045 ORCHARD PLACE, AND 10194, 10246 AND 10256 HIGGINS ROAD, DES PLAINES, ILLINOIS. (CASE #16-043-FSUB-FPUD). Upon roll call, the vote was:

- AYES: 8-Haugeberg, Robinson, Rodd, Sayad,  
Brookman, Chester, Smith, Charewicz
  - NAYS: 0-None
  - ABSENT: 0-None
- Motion declared carried.

**RESOLUTION/  
FLYING  
FIREFIGHTER/  
LAW  
ENFORCEMENT  
MEMORIAL  
FLAGS:**

Discussion was held regarding the request from the Fire and Police Departments for permission to fly the Firefighter Memorial and Thin Blue Line flags, respectively, to recognize the passing, and honor the service, of those who have served and have passed away.

**Resolution  
R-116-16**

Moved by Brookman, seconded by Chester, to adopt Resolution R-116-16, A RESOLUTION AUTHORIZING THE FLYING OF THE FIREFIGHTER MEMORIAL FLAG AND THE THIN BLUE LINE FLAG.

Moved by Charewicz, seconded by Robinson, to defer this matter to the next Regular City Council Meeting of August 15, 2016.

Following discussion, the second was withdrawn by Robinson and the motion was not considered.

Moved by Haugeberg, seconded by Sayad, to call for the vote. Upon roll call, the vote was:

- AYES: 7-Haugeberg, Robinson, Rodd, Sayad,  
Brookman, Chester, Charewicz
  - NAYS: 1-Smith
  - ABSENT: 0-None
- Motion declared carried.

Upon roll call, the vote to adopt Resolution R-116-16, A RESOLUTION AUTHORIZING THE FLYING OF THE FIREFIGHTER MEMORIAL FLAG AND THE THIN BLUE LINE FLAG was:

- AYES: 6-Haugeberg, Robinson, Sayad,  
Brookman, Chester, Smith
  - NAYS: 1-Charewicz
  - PRESENT: 1-Rodd
  - ABSENT: 0-None
- Motion declared carried.

**RESOLUTION/  
AUTHORIZE  
FLYING ARMED**

Discussion was held regarding the request by the Veterans of Foreign Wars (VFW) to allow the four military service flags to be displayed at City Hall one after another on four consecutive weeks in November.

**FORCES FLAGS  
AT CITY HALL:**

**Resolution  
R-121-16**

Moved by Brookman, seconded by Chester, to adopt Resolution R-121-16, A RESOLUTION AUTHORIZING THE FLYING OF THE FLAGS OF U.S. MILITARY SERVICES. Upon roll call, the vote was:

AYES: 6-Haugeberg, Robinson, Sayad,  
Brookman, Chester, Smith

NAYS: 1-Charewicz

PRESENT: 1-Rodd

ABSENT: 0-None

Motion declared carried.

**SECOND CLOSED  
SESSION:**

Moved by Sayad, seconded by Haugeberg, to enter into Closed Session to discuss Personnel. Upon roll call, the vote was:

AYES: 8-Haugeberg, Robinson, Rodd, Sayad,  
Brookman, Chester, Smith, Charewicz

NAYS: 0-None

ABSENT: 0-None

Motion declared carried.

**ADJOURNMENT:** Meeting adjourned at 8:17 p.m.

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Gloria J. Ludwig, MMC – CITY CLERK

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

DAY OF \_\_\_\_\_, 2016

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Don Smith - MAYOR PRO TEM