THE REGULAR COUNCIL MEETING MINUTES
OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PROSPECT HEIGHTS
HELD ON MONDAY, SEPTEMBER 25, 2017 AT 6:30 P.M.

IN THE COUNCIL CHAMBERS, PROSPECT HEIGHTS CITY HALL,
8 NORTH ELMHURST ROAD, PROSPECT HEIGHTS, ILLINOIS
MAYOR NICHOLAS J. HELMER PRESIDING

1. CALL TO ORDER – At 6:32 PM, Deputy Clerk Schultheis called to order the Meeting of the City Council of the City of Prospect Heights at 8 north Elmhurst Road, Prospect heights, IL 60070.

2. ROLL CALL FOR QUORUM – Deputy Clerk Schultheis asked for a motion for a Mayor pro Tem. **Alderman Messer moved to elect Alderman Williamson as President Pro Tem; seconded by Alderman Rosenthal. There was unanimous approval.**
VOICE VOTE: All ayes, no nays

Motion carried 5 – 0.

ELECTED OFFICIALS PRESENT: Treasurer Tibbits, Aldermen – Williamson, Rosenthal, Messer, Dolick, Ludvigsen
A quorum was present
Deputy Clerk Schultheis requested asked if there was any objection to allowing Mayor Helmer to be added to the Meeting electronically. His absence being due to injury; his having requested to the City Staff, the City Clerk and the Deputy Clerk in writing permission to attend electronically; and having established that there was a quorum was present – the request to be added to the meeting electronically met all of the conditions necessary. **There was no objection from the Council. Mayor Helmer was added electronically to the meeting.**
ELECTED OFFICIALS ABSENT – City Clerk Morgan-Adams (with prior notification)
OTHER OFFICIALS PRESENT – City Administrator Wade, Assistant to the City Administrator Falcone, Finance Director DuCharme; Deputy Clerk Schultheis, Deputy Police Chief Zawlocki, Digital Communications Technician Colvin, Building and Development Director Peterson, City Engineer Briggs, and City Attorney Kearney.

3. PLEDGE OF ALLEGIANCE – Led by Alderman Messer

4. INVOCATION – Led by Betty Cloud – parishioner at St. Alphonsus Ligouri Church

5. APPROVAL OF MINUTES
A. September 11, 2017 Regular Workshop Meeting Minutes – **Alderman Rosenthal moved to approve the September 11, 2017 Regular Workshop Meeting Minutes as presented; seconded by Alderman Messer. There was unanimous approval.**

VOICE VOTE: All ayes, no nays

Motion carried 5 – 0.

B. August 28, 2017 Executive Session Minutes but not for public release – **Alderman Dolick moved to approve the August 28, 2017 Executive Session Minutes as presented but not for public release; seconded by Alderman Ludvigsen. There was unanimous approval.**
VOICE VOTE: All ayes, no nays

Motion carried 5 – 0.

6. PRESENTATION

A. Rob Roy Donation Presentation to the Prospect Heights Police Department and Prospect Heights Fire Protection District – Mr. Richard Sullivan of Rob Roy presented two checks – one to Chief Drew Smith of the Prospect Heights Fire Department and one to Deputy Chief Zawlocki of the Police Department. He congratulated both units of service for the fine work they had done in the Community and at Rob Roy.

B. Presentation of Lake Claire Drainage Study by John Briggs of Gewalt Hamilton Engineering – City Engineer John Briggs discussed the drainage study as related to Lake Clare. The Engineers were looking for potential problems or issues, and potential resolutions to any issues. The lake has a direct tributary drainage of about 14.2 acres going to it however the restrictor is very far from the lake. Forty-point seven acres is tributary to the restrictor of the lake Clare storm sewer. So, there is a lot of back up because in a big rainstorm, the water cannot get through the restrictor and the water backs up. City engineers determined that the elevation for the high water line is higher than what was designed for the original elevation. Engineers reviewed the original 1978 design – looked at taking the restrictor out – elevations went down but was 1 ½ higher than water flow. Looked at putting in redirected flows but there was the fear of other consequences such as flooding on other areas. Looked at St. Al's Church the north. These were permitted from the MWRD from their 2001 and 2003 projects and it was noted that the Church was not a factor in flooding issues.
The options that the Engineer suggested because the systems has probably been operating at this capacity since its inception – can remove the house at increase the Lake Clare pond size or do additional studies to increase the capacity. It was noted that the system does not work well but it will cost a significant amount of money to fix.
One of the options would be to do nothing. The financial impact of replacing to the storm sewers would be $750,000.
There was discussion regarding the contour lines on the map, and why some areas flooded and others did not.
There was a request for info as to what goes into the design of a 100 year flood system.
Engineer Briggs said that the engineer would design a system that did not release water faster than it did before development of the subdivision.
It was noted that the issue of flooding in this case was not because the lake is spring-fed – detention elevation would not change because of that. – **No action was taken.**

C. Presentation of Pavement Assessment Report by John Briggs of Gewalt Hamilton Engineering – Engineer Briggs said that the City had undertaken a pavement assessment evaluation to prioritize pavement maintenance. All of the streets in the City were rated based on the condition of the pavement. The assessment was based on a 15 year cycle. The assessment prioritized the roads based on their level of distress. The streets will be maintained based on the concept of the "worst first." The cost is about $28 per square foot and will be $1.15 - $1.2 million the first year, with a four percent increase in cost each year so that by the year 2032 the cost will be $2.5 million. – **No action was taken**

7. APPOINTMENTS/CONFIRMATIONS AND PROCLAMATIONS

A. Appointment of Bruce Mellen to Plan Commission Zoning Board of Appeals – Mr. Mellen was present to introduce himself and answer questions. **Alderman Rosenthal moved to Mayor Helmer's appointment of Bruce Mellen to the PZBA; seconded by Alderman Messer. There was unanimous approval.**

ROLL CALL VOTE:	AYES -	Messer, Williamson, Rosenthal, Ludvigsen, Dolick
	NAYS -	None
	ABSENT -	None

Motion carried 5 - 0

8. CITIZEN CONCERNS AND COMMENTS (agenda matters) - None

9. STAFF, ELECTED OFFICIALS, and COMMISSION REPORTS

A. Chicago Executive Airport Monthly Update by CEA Director Betty Cloud - CEA Director Betty Cloud said that the 865 Design Company is looking into a design concept to incorporate the Customs Building construction with the possible construction of a Snow Removal Equipment Building and an Administrative Building. These were some ideas that were being discussed as projects but no decisions had been made.

CEA Director Betty Cloud updated the Council regarding a drone-aircraft crash in Staten Island, NY. She said that the CEA has taken proactive measures against such an event taking place at the Airport.

CEA Director Betty Cloud said that the CEA Master Plan is moving forward. The FAA and IDOT are reviewing the plans.

CEA Director Betty Cloud said that the airport is looking into possibilities of what they can do in relation to O'Hare Airport.

CEA Director Betty Cloud said that the IGA between the Wheeling, the CEA and Prospect Heights was completed in 2013, and the understanding is that the CEA Board has the right to hire and fire. She said that she would be in touch with the CEA Legal Counsel Tom Lester. She said that the CEA Board was looking to shorten the time period that they needed to give the City in order to hire/fire. The current time period is three years to make changes to the Director. If a change was imminent, the Director would go into Executive Session with the Prospect Heights Council.

There were questions from the Board about the latest agreement.

CEA Director Betty Cloud said that Wheeling had already agreed to the changes. There were questions from the Council regarding redlined areas of the contract, and why any changes were needed if the contract already gave the CEA the authority.

CEA Director Kearns discussed the reversionary clause – within 60 days of the anniversary either City can change the authority every three years. The CEA Board wants the authority.

City Administrator Wade said that he would be in touch with Director Cloud.

CEA Director Betty Cloud said that drones could not be used within five miles of the airport which pretty much excluded everywhere in the City.

Regarding the question as to the timeframe for the Customs Building, CEA Director Betty Cloud said that the CEA members would be talking to other airports to see what they did. The priority would be the Customs Building in late Spring. – **No action was taken.**

B. Police/Fire Commission Report by Commissioner Joe Fiorito – Commissioner Fiorito gave the update for the Fire Police Commission. He said that the Report would be sent to the Council. He said that the main function of the FPC was to create and maintain new candidate police officers. He said that there were 29 officers, 5 part-time, Chief Steffen, DC Zawlocki, Assistant to the Chief Conboy, five sergeants and three corporals, two NIPAS officers (Northern Illinois Police Alarm System) – Pufundt and Skeet, two MCAT officers – Smith and Lange, a DEA officer – Derman, A canine officer and Police handler – Bane and officer Thibeault, and a Recording Supervisor – Bolger; as well as two victim advocate interventionists. The Outreach Program is designed to promote goodwill between the police and the public. – **No action was taken.**

Alderman Rosenthal discussed the Strategic Directions Commission said that there were two items on the Agenda - City Developer Tinaglia was moving forward with plans.
The Budget process will come before the Council on October 9th to seek approval of a new approach
- The 2018/19 Budget process will begin sooner with status reports. The Budget meetings will be more focused and department-oriented.
Alderman Rosenthal also discussed the fact that the Newsletter and any other City-based publication should be devoid of political advocacy. City Counsel Kearny said that the City should not be involved in political advocacy unless it affects the City, and in that case the City could provide factual information and non-partisan. It was noted that the City follows the state statutes. Mayor Helmer said that no one could present private political comments in City-driven media. He noted that the City does not take a political position.

Finance Director DuCharme – said that 906 collection letters were sent out with the intent to get caught up and move some late payers to collection.
Reconciliation – there are 26 City accounts and 25 have been reconciled. The City's main account is reconciled until April. Transactions were not in the ledger.
Assistant to the City Administrator Falcone – said that the 125 Plan will be given to a third party – Flex Source – **No action was taken**
Building and Development Department Director Peterson said that the Staff met with Country Pines Apts. and Pabcor to discuss the foundation of an agreement. – **No action was taken**

10. CONSENT AGENDA - None

11. OLD BUSINESS
A. O-17-21 Staff Memo and Ordinance for a Special Use Permit for a Sit Down Restaurant at 5 South Wolf Road, Ruben's Bar and Grill ***(2nd Reading)*** - Aldermen asked if the applicant intended to open as a restaurant if no liquor license were allotted. Ruben Aviles averred that he would open as a restaurant whether or not he had a liquor license. When asked about his relationship with Stanko K*****, he acknowledged that he had brought the property from Mr. Stanko K. There was concern about this relationship. Alderman Messer noted that that it was possible to have several video gaming locations near each other and still have all thriving. **Alderman Dolick moved to approve a Sit Down Restaurant at 5 South Wolf Road, Ruben's Bar and Grill; seconded by Alderman Messer.**

ROLL CALL VOTE:	AYES:	Dolick, Messer, Rosenthal
	NAYS:	Ludvigsen, Williamson
	ABSENT:	None

Motion carried 3 -2

B. O-17-22 Staff Memo and Ordinance for Driveway Variance at 697 Glendale Drive ***(2nd Reading)*** – The applicant was present and asked for a continuance. **Alderman Williamson moved to Table the Ordinance for the Driveway Variance at 697 Glendale Drive; seconded by Alderman Messer. There was unanimous approval.**

VOICE VOTE: All ayes, no nays

Motion carried 5 – 0.

12. NEW BUSINESS

A. R-17-10 Resolution and Engineering Services Agreement with Gewalt Hamilton Engineering for 2017 Drainage Improvements – **Alderman Ludvigsen moved to approve an agreement with Gewalt Hamilton Engineering for 2017 Drainage Improvements; seconded by Alderman Williamson. There was unanimous approval.**

ROLL CALL VOTE:	AYES -	Messer, Williamson, Rosenthal, Ludvigsen, Dolick
	NAYS -	None
	ABSENT -	None

Motion carried 5 - 0

B. O-17-23 Staff Memo and Ordinance Approving a Text Amendment to Sections 5-2-2 Definitions and 5-6-1A Permitted Uses in the Single Family Residential District ***(1st Reading)*** – Building and Development Director Peterson discussed the text amendment for integrated living. The City would just be approving what the State has already sanctioned as legal. The amendment would change the City's definition of family. It was noted that the PZBA unanimously voted to accept the text amendment. It was noted that the residents are developmentally disabled people- they are over the age of 18 and are state-sponsored, as well as federally-sponsored. Building and Development Director Peterson said that the City follows the International requirements regarding remodeling of the home, and this home exceeds the minimum life space of 50 SQ.FT., as the rooms are 55 SQ.FT.

Discussion followed regarding whether or not occupants would then be able to add other members as family. Building and Development Director Peterson said that adding other members would violate the code as an unrelated use.

The Staff would be one Staff member for an 8 hour shift for 24 hour period per four occupants. Building and Development Director Peterson said that the PZBA heard from neighbors who seemed allayed by the fact that they did not even know that the house currently had an integrated living situation.

There was discussion regarding whether or not people might be able to use this text amendment for other purposes not intended. Building and Development Director Peterson said that anyone else attempting to set up a similar situation would need to be CILA- certified through State license and limit their distance from any other CILA neighbors. Criminal or Drug halfway houses were not permitted. – **No action taken.**

C. O-17-24 Staff Memo and Ordinance Establishing a Vacant and Foreclosed Property Registration Program ***(1st Reading)*** - Building and Development Director Peterson said that the City does not have an abundance of foreclosed properties, but where the City has them, it is very difficult to pin down the right parties. There is a significant cost to a municipality for these types of properties. It is extremely labor intensive to the Staff. Property Registration Champions LLC- who will monitor, track down the right parties and registering the foreclosed properties. This will allow the City to stay on top of who is accountable for the property and its maintenance. The charge would be $200 per property - $100 for the Company and $100 to the City. Right now, the City has 65 active foreclosures. There is another 201 that have recently had transactions – this program will help us find out if they are still in foreclosure or have changed hands. We could still have another 80 homes in foreclosure. This will also help the City to catch people who are doing work without permits. – **No action was taken.**

D. R-17-11 Resolution and Agreement with Property Registration Champions, LLC to manage the vacant, foreclosed and abandoned properties registration program – This Agreement has been reviewed by the City Counsel. **Alderman Rosenthal moved to approve the Agreement with Property Residential Champions, LLC; seconded by Alderman Messer. There was unanimous approval.**

ROLL CALL VOTE:	AYES -	Messer, Williamson, Rosenthal, Ludvigsen, Dolick
	NAYS -	None
	ABSENT -	None

Motion carried 5 - 0

13. DISCUSSION/SELECTION OF TOPICS FOR THE UPCOMING WORKSHOP MEETING, ITEMS LISTED PREVIOUSLY:

A. Discussion of Commercial Truck Parking Regulations
B. Review of City Liquor Code
C. Discussion of Intergovernmental Agreement for Chicago Executive Airport
D. Discussion of Plaza Drive – the Council wanted status reports based on the acceptance of the owners of Plaza Drive of the City's terms. Building and Development Director Peterson said that the owners were negotiating other terms. City Administrator Wade noted that PABCOR wanted the City to share 1/3 of the entire cost of the project. It was noted that there was also a potential legal issue with prevailing wages. The City might not be able to participate in the project if the prevailing wage rules were not satisfied even if the City only supervised the project. City Attorney Kearney said that by participating in the project, the prevailing wage rules were triggered. The estimated total cost of the project is $150,000. There were questions as to why the City was assuming the cost of the dedication and still being asked to pay upfront money to the owners for repair. It was also noted that currently, the Public Works has been fixing potholes on Plaza Drive for safety reasons. – **No action was taken.**

14. APPROVAL OF WARRANTS

A. Approval of Expenditures

General Fund	$132,926.83
Motor Fuel Tax Fund	$0.00
Palatine/Milwaukee Tax Increment Financing District	$150.25
Tourism District	$819.01
Development Fund	$0.00
Drug Enforcement Agency Fund	$108.65
Solid Waste Fund	$120.55

Special Service Area #1	$473.02
Special Service Area #2	$348.25
Special Service Area #3	$1,120.87
Special Service Area #4	$239.81
Special Service Area #5	$207.15
Special Service Area #8 – Levee Wall #37	$491.55
Special Service Area-Constr #6 (Water Main)	$0.00
Special Service Area- Debt #6	$110.38
Road Construction	$0.00
Road Construction Debt	$132.95
Water Fund	$29,207.53
Parking Fund	$596.08
Sanitary Sewer Fund	$4,424.47
Road/Building Bond Escrow	$8,618.00
Police Pension	$667.16
TOTAL	**$180,762.51**
Wire Payments	
9/15/2017 PAYROLL POSTING	**$142,861.54**
TOTAL WARRANT	**$323,624.05**

City Administrator Wade read the Warrants.

Alderman Messer moved to approve the Warrants as presented; seconded by Alderman Williamson to include a TOTAL of $180,762.51; 9/15/2017 Payroll Posting of $142,861.54 and TOTAL WARRANT of $323,624.05. There was unanimous approval.

ROLL CALL VOTE:	AYES -	Messer, Williamson, Rosenthal, Ludvigsen, Dolick
	NAYS -	None
	ABSENT -	None

Motion carried 5 - 0

15. RESIDENT COMMENTS (Non-agenda matters) - None

16. EXECUTIVE SESSION – Alderman Williamson moved to go into Executive Session to discuss Collective Bargaining and Potential Litigation; seconded by Alderman Rosenthal. There was unanimous approval.

ROLL CALL VOTE:	AYES -	Messer, Williamson, Rosenthal, Ludvigsen, Dolick
	NAYS -	None
	ABSENT -	None

Motion carried 5 - 0

17. ACTION ON EXECUTIVE SESSION ITEMS, IF REQUIRED

18. ADJOURNMENT – At 8:25 PM, Alderman Messer moved to Adjourn; seconded by Alderman Williamson. There was unanimous approval.

VOICE VOTE: All ayes, no nays

Motion carried 5 – 0.

Approved by the City Council of the City of Prospect Heights on the 9th day of October, 2017.

Deputy City Clerk Schultheis

Mayor Nicholas J. Helmer

CITY OF PROSPECT HEIGHTS
CORPORATE SEAL
Incorporated A.D. 1976
ILLINOIS