THE REGULAR WORKSHOP MEETING MINUTES
OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PROSPECT HEIGHTS
HELD ON MONDAY, FEBRUARY 12, 2018 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 6:35 PM, Mayor Helmer called to order the Regular City Council Workshop at 8 N Elmhurst Road, Prospect Heights, IL 60070.

2. **ROLL CALL FOR QUORUM** – City Clerk Morgan-Adams called roll. A quorum was present.
ELECTED OFFICIALS PRESENT – Mayor Helmer, Treasurer Tibbits, City Clerk Morgan-Adams.
Aldermen – Ludvigsen, Rosenthal, Williamson, Messer
ABSENT – Alderman Dolick
OTHER OFFICIALS PRESENT – City Administrator Wade, Assistant to the City Administrator Falcone, Director of Building and Development Peterson, Superintendent of Public Works Roscoe, Deputy Clerk Schultheis, Finance Director DuCharme, Digital Communications Technician Colvin and City Attorney Kearney.

3. **PLEDGE OF ALLEGIANCE** – Led by Treasurer Rich Tibbits

4. **APPROVAL OF MINUTES**
A. January 22, 2018 Regular Meeting Minutes
B. January 22, 2018 Executive Session Minutes – **Alderman Messer moved for omnibus approval of the January 22, 2018 Regular Meeting Minutes and the January 22, 2018 Executive Session Minutes but not for Public Release; seconded by Alderman Rosenthal.**
VOICE VOTE: All ayes, no nays

Motion carried 4 – 0, Alderman Dolick absent.

5. **PRESENTATION**

6. **APPOINTMENTS/CONFIRMATIONS AND PROCLAMATIONS**

7. **CITIZEN CONCERNS AND COMMENTS (agenda matters)**

8. **STAFF, ELECTED OFFICIALS, and COMMISSION REPORTS**
Alderman Williamson – Discussed the possibility of a referendum to stagger the election cycle to circumvent the issue of the election of a completely new Council. Attorney Kearney stated that this type of change would require a referendum in which 10% of the City electorate from 2015 would need to sign a petition requesting the referendum to be put on the ballot. It would be a "Yes" or "No" vote. If it went through, half of the aldermen would be elected for a two-year term in the next

election, and the others would be elected for a four-year term – hence forward after that election, all candidates would be on a staggered four-year term. Who would have that one-time two-year term could either be decided by the Aldermen or by the Election Official. It was noted that this only affects Aldermen and not the Mayor, Treasurer or City Clerk.
It was noted by the City Attorney that as long as the City follows the Illinois Municipal Code and does not act unilaterally, being a non-home rule community is not an obstacle.
For clarification, it was restated by the City Attorney that all Council members would be up for election in 2019 for the General Election, but if the referendum passed then half of the Aldermen would have a one-time two-year term. The other Aldermen would have a four-year term. After two years, the two-year term Aldermen would run for a typical four-year term.
Also, the 10% is of the entire electorate in the last election, not by wards.
Aldermen noted that discussion was needed regarding the implications.
The general consensus was to have the City Attorney prepare a Memo outlining the steps and requirements for citizens to start the referendum process.
Alderman Williamson asked that the Staggered Elections be put on the next Workshop Agenda – March 12, 2018.

Alderman Ludvigsen – Wanted to know who was responsible for clearing the sidewalks on Elmhurst Road and Camp McDonald? It was noted by Superintendent Roscoe that Shell is responsible for its sidewalks, and that Walgreens always clears their sidewalk and lot.

City Clerk Morgan-Adams – said that the Workshop Meeting scheduled for Monday, September 10, 2018 had to be changed because of the Rosh Hashanah holiday. The Staff was asked to look at other possible dates that did not coincide with the holiday.

City Administrator Wade – noted that the City is entering the Budget Season and that the Staff and Council would be working on strategic areas in the Budget.

Director of Building and Development
A. Treasurer's Report and Budget Discussion Items by Finance Director Michael DuCharme - **Finance Director DuCharme** discussed the Police Pension Fund and MFT Fund. He said that the salt budget would be allowed in the MFT Fund. There was further discussion regarding Palatine Milwaukee TIF (it was noted that debt service of $524,000 was paid last year), the Solid Waste Fund and the comment from the Finance Director that 95% of the service charges have been eliminated from the Solid Waste Fund Balance. He discussed funding the capital program.

9. CONSENT AGENDA – None

10. OLD BUSINESS
A. Discussion of Proposed Liquor Code Amendment (Discussion Only – No Vote will be taken) – Noted that the proposed code changes to the liquor code were sent to the liquor license holders. City Attorney Kearney made changes and updates to what was originally proposed. It was also noted that the renewal letters were about to be sent, so that any changes to the Code needed to be made at the February 26th City Council Meeting. The updates made to the liquor code proposed changes include License "C" being added back in and late hours from Thursday – Sunday. Classifications C-1 and C-3 will not be stricken.

Alderman Ludvigsen – asked that the City remove Classifications 1-2-3 from the C license as the C license was for beer and wine only, but said that this would not be able to be presented before the March meeting.
Mayor Helmer said that there would be increases in the liquor licenses across the Board at a 12% rate. The effective date would be March, 2018.
Attorney Kearney said that there are other statutory changes that need to be made such as inclusion of Bassett training as a prerequisite.
The Direction from the Council was to add a 12% increase, rounded up to nearest dollar to be voted upon at the next meeting.
Alderman Williamson noted that the City's Happy Hour ban did not conform with the State codes. It was noted from the Attorney that the Code would conform to the State.

Public Speakers Regarding Liquor Code:
David Dziedzic of Player's Pub noted that some of the changes suggested for the liquor code were drastic. He added that owners wanted to be included as a part of the changes that were being incorporated into the Liquor Code
Bruce Barton of Lola's Pizza Palace said that they only wanted to serve wine and beer and that being forced to purchase an A license would be cost prohibitive. He added that an increase in the cost of the license should be based upon liquor license hours.
Jim Sellis of Rocky Vanders noted that his biggest concern regarded the license hours, and the possibility of losing the 4 AM status.
Mike Thiessen of Penny's Café said that he was happy to accept the 12% proposed increase if the City would consider allowing merchants to be part of the process of modifying liquor licenses. He noted the amount of money that the video gaming and liquor licenses generate for the City.
Gary Leff of Stella's Café echoed previous speakers and noted the investment that these establishments had made in the City. He said that they were net contributors to the City's revenue. He noted that the way that the Ordinance's proposed changes read, the existing businesses would not be grandfathered in.
Aldermen noted that liquor licenses are not grandfathered.
City Administrator Wade stated that the language, as it was written in the proposed Ordinance, was concerning and confusing and affecting the businesses ability to operate.
Danielle Dash (resident) – said that time should be spent on policy problems, and asked the Council where the issue was with the license that required changes? She wondered if personal agendas were being served, as there was no indication that a problem existed. She noted that the businesses affected by the proposed liquor license changes had invested in the City.
Mayor Helmer added that there was no reported increase in crime, and that many small storefronts were now filled. He said that many businesses required the video gaming to stay solvent.
Dave Connor of Blackhawk - said that his establishment employs 6-7 people per store. He noted that local bars and nightclubs did not have their businesses affected by Penny's Café. They have their own clientele, and that clientele does not consume a great deal of alcohol.
Manny Rafidia of Atlantis Banquets – requested that the increase be lowered to 7&, as a 12% increase represented a major increase dollar-wise.

11. NEW BUSINESS
A. Contract Proposal for Utility Audit Services and Presentation by Tom Fagan of Azavar Government Solutions – Mr. Fagan noted that as Prospect Heights is a city with numerous zip codes the City needs to collect revenues due the City from the utilities through audits. Azavar would do electronic reviews at no cost to the City. The City would share the revenue that is received for 36 months. They would make certain that all residents were in the correct GEO code by using FOIA-able data. No Staff time would be required. There would be a 55% to City/45% to Azavar split and

a "true up" at the end of the year. The process would take approximately six months. It was noted that the company can only go back 3 years except for telecom which does not have a retro policy. Alderman Messer referenced Section 5.3 of the contract; and Azavar Representative Tom Fagan said that he would remove that section as it was from an old beta program.
It was stated by City Administrator Wade that there was an ongoing concern about losing revenue from hotels and businesses that are in wheeling and Northbrook. Finance Director DuCharme said that this loss in revenue has been going on for years.
Aldermen questioned whether or not the City could save the 45% split by locating these businesses on its own.
Finance Director DuCharme said that there is not an easy way to get through the layers of information to see if the City is getting all the tax money it should receive. The City does not even have IBT numbers.
Treasurer Tibbits said that the City had gone through this process ten years ago and got stonewalled by the Illinois Department of Revenue.
Mr. Fagan noted that they were a third party and did not work directly with the Department of Revenue. – **NO VOTE WAS TAKEN. DEFERRED.**

B. Liquor Licenses Application Request for Ruben's Bar & Grill -
Mr. Aviles is looking for a Class C-3 liquor license and is operating as a full service restaurant. Seating was confirmed to be 32 by Director of Building and Development Peterson. Rubens is set to open on February 13, 2018. – **An Ordinance to increase the number of C-3 liquor licenses will be presented at the February 26, 2018 Meeting.**

C. R-18-04 Staff Memo and Resolution Appointing a Representative and Alternate to the Governing Board of the North Suburban Employee Benefit Cooperative (NSEBC) – **Alderman Rosenthal moved to approve R-18-04 Appointing a Representative and Alternate to the Governing Board of the North Suburban Employee Benefit Cooperative (NSEBC); seconded by Alderman Messer.**

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

Motion carried 4 – 0, Alderman Dolick absent.

D. R-18-05 Staff Memo and Resolution Appropriating Motor Fuel Tax (MFT) Funds Fiscal Year Ending April 30, 2018 – **Alderman Williamson moved to approve R-18-05 Resolution Appropriating Motor Fuel Tax Funds for fiscal year ending April 30, 2018 not to exceed $50,000.00; seconded by Alderman Messer.**

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

Motion carried 4 – 0, Alderman Dolick absent.

E. Staff Memo for Public Works Backhoe Purchase Request – Public Works Superintendent Roscoe explained that the city needed to replace a 1991 backhoe that had gone through numerous repairs. He said that the City had looked at three companies for the backhoe and had chosen Case. There was already $135,000 in the budget for the backhoe, but the cost of the one to be bought was under $100,000. **Alderman Williamson moved to approve the purchase of a backhoe that had been approved in the budget to be bought from JL Case for $93,556.96 with the additional**

accessories for $4,800 not to exceed $100,000 ($35,000 under what was previously budgeted); seconded by Alderman Rosenthal.

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

Motion carried 4 – 0, Alderman Dolick absent.

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

A. Sanitary Sewer Capital Improvement Update – It was noted that City Engineer Patrick Glenn was to move forward with televising and cleaning. It was noted that the difficulty of the process meant that it might take two years to complete. The estimated cost is $400,000. City Administrator Wade said that work was set to begin in March, and that information gathered from the project would be accessible in GIS. – **No action was taken.**

B Sanitary Sewer Fee Non-Payment Collection – It was noted that there were a lot of delinquent sewer collections. Finance Director DuCharme said that the City could put liens on people's property but that he suggested that the City send delinquent payers to collections. He said that when delinquent payers were sent to collections there was a "ding" on their credit. – **No action was taken.**

C. Discussion of Commercial Truck Parking Regulations – Building and Development Director Peterson said that there were 100 people at the Trucking Public hearing. Twenty-six people spoke. There was a continuance to get a committee that would include more residents. Danielle Dash would be the Chair of that committee. He believed that he would have something for the City Council by April. – **No action was taken.**

13. APPROVAL OF WARRANTS

A. Approval of Expenditures

General Fund	$288,636.80
Motor Fuel Tax Fund	$13,531.15
Palatine/Milwaukee Tax Increment Financing District	$0.00
Tourism District	$703.63
Development Fund	$0.00
Drug Enforcement Agency Fund	$0.00
Solid Waste Fund	$0.00
Special Service Area #1	$0.00

Special Service Area #2	$0.00
Special Service Area #3	$0.00
Special Service Area #4	$0.00
Special Service Area #5	$658.47
Special Service Area #8 – Levee Wall #37	$874.62
Special Service Area-Constr #6 (Water Main)	$0.00
Special Service Area- Debt #6	$450.00
Road Construction	$0.00
Road Construction Debt	$0.00
Water Fund	$27,533.53
Parking Fund	$4,503.47
Sanitary Sewer Fund	$7,071.18
Road/Building Bond Escrow	$5,306.00
Police Pension	$0.00
TOTAL	**$349,268.85**
Wire Payments	
2/2/2018 PAYROLL POSTING	**$140,593.24**
JANUARY 2018 IL MUNICIPAL RETIREMENT FUND	**$17,731.08**
POLICE PENSION PAYMENTS	**$69,051.93**
TOTAL WARRANT	**$576,645.10**

City Clerk Morgan-Adams read the warrants.
Alderman Rosenthal moved to approve the warrants as presented; seconded by Alderman Williamson to include Total of $349,268.85; 2/2/2018 PAYROLL POSTING of $140,593.24; JANUARY 2018 IL MUNICIPAL RETIREMENT FUND of $17,731.08; POLICE PENSION PAYMENTS of $69,051.93; and a TOTAL WARRANT of $576,645.10.
ROLL CALL VOTE: AYES - Rosenthal, Messer, Ludvigsen, Williamson
NAYS - None
ABSENT- Dolick

Motion carried 4 – 0, Alderman Dolick absent.

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

16. EXECUTIVE SESSION

17. ACTION ON EXECUTIVE SESSION ITEMS, IF REQUIRED

18. ADJOURNMENT – At 9:09 PM, Alderman Rosenthal moved to close Open Session and go into Executive Session to discuss Purchase or lease of land, setting the price of city real estate, and probable litigation; seconded by Alderman Ludvigsen.

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

Motion carried 4 – 0, Alderman Dolick absent.

Approved by the Prospect Heights City Council on this the 26th day of February, 2018.

City Clerk Morgan Adams

Mayor Nicholas J. Helmer

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