

**CITY OF PROSPECT HEIGHTS
REGULAR CITY COUNCIL MEETING
February 11, 2013**

MINUTES

CALL TO ORDER

The meeting was called to order at 6:30 p.m. by Mayor Helmer at City Hall, 8 North Elmhurst Road, Prospect Heights, Cook County, Illinois.

ROLL CALL

Present: Mayor Helmer, Aldermen Ludvigsen, Mendez, Styler, Williamson
Absent: Alderman Higgins (Absent by prior notice)

A quorum was present. Also present: City Clerk Adamson, City Treasurer Tibbits, City Administrator Marrin, City Attorney Zimmermann, Director of Building and Zoning Skiber, Assistant Director of Building and Zoning Cutaia, City Engineer/Public Works Director Johnson, Finance Director Hannon, and Deputy Clerk Sabo.

PLEDGE OF ALLEGIANCE

Alderman Mendez asked everyone to stand and join him in the pledge.

INVOCATION

Pastor Willard Wagner, Ret. provided the invocation.

PRESENTATIONS

A Proclamation Proclaiming April 26, 2013 as Arbor Day in the City of Prospect Heights was presented by City Clerk Adamson.

CLOSED SESSION

Motion made by Alderman Styler, seconded by Alderman Williamson to go into closed session for the purposes of appointment of public official and to discuss the sale, lease or setting of the price for the sale of City real estate at 6:38pm. The motion was unanimously approved by a roll call vote.

ROLL CALL AYES: Aldermen Ludvigsen, Mendez, Styler, Williamson
NAYS: None
ABSENT: Alderman Higgins

Motion carried.

Motion made by Alderman Styler, seconded by Alderman Williamson to reconvene regular session at 7:23pm. The motion was unanimously approved by a roll call vote.

ROLL CALL AYES: Aldermen Ludvigsen, Mendez, Styler, Williamson
NAYS: None
ABSENT: Alderman Higgins

Motion carried.

A quorum was present. Also present: City Clerk Adamson, City Treasurer Tibbits, City Administrator Marrin, City Attorney Zimmermann, Director of Building and Zoning Skiber, Assistant Director of Building and Zoning Cutaia, City Engineer/Public Works Director Johnson, Finance Director Hannon, and Deputy Clerk Sabo.

RESIDENTS COMMENTS (Agenda Matters)

There were none.

REPORTS AND COMMUNICATIONS

City Administrator Marrin introduced Karen Schultheis, the City's new Part Time Administrative Assistant. She commented that last week there were several calls from residents that said their mailboxes were knocked down by snow plows. The residents were all on the North side of Wheeling Road which is a County Road. The City has a call into the County regarding that situation. She attended a Federal resources event which covered various grants and funding opportunities. The City continues with budget preparation and the budget workshop will be coming up shortly.

Director of Building and Zoning Skiber reported that he did an inspection at the House of Music and Entertainment in the early morning hours of February 3 for the purpose of assessing compliance with noise ordinance. He did meet the on duty police officer and all issues were quiet. He did go through the process of assessing the noise ordinance from 30 feet from the front and back. The City asked them to turn off speakers in the front open area and asked them to control the crowd noise from smokers on the patio. His assessment at that time was that everything was in compliance. The City continues to get increased reports of coyote sightings. They are active this time of the year as it is mating season. He asked residents not to provide a food source for coyotes. He reported that many garbage containers were put on the roadway which created an issue for snow plowing. He asks that residents place garbage containers on the parkway and not on the roadway.

Deputy Clerk Sabo reported that City Hall will be closed on Monday February 18 in observance of Presidents' Day. He reported that vehicle sticker sales are underway. Residents no longer are required to include a dollar mailing or processing fee. He encouraged residents to utilize the online payment system or to mail in their payments so as to avoid lines at City Hall. Additional hours will be on Monday March 11 and Monday March 25 until 7:00pm. City Hall will be open for Saturday hours on Saturday March 23 and Saturday March 30 from 9:00am to 1:00pm.

Alderman Styler commented that he attended the board meeting of the Chicago Northshore CVB at the Wyndham Suites and joined that board as a member representing the City of Prospect Heights. He was proud to be able to boast about the progress in Prospect Heights. The Glenview member reported about the progress at the corner of Sanders and Willow Road with a Mariano's and other retail establishments. He commented that the City of Prospect Heights also is a beneficiary of sales tax via an intergovernmental agreement established years ago.

Alderman Williamson asked staff and the City Council to hold an additional agenda workshop meeting to discuss agenda items. The meeting would be in addition to the regular City Council meetings. He asked the Director of Public Works if there has been any further investigation into the smell at Hintz Road on the northern border.

City Engineer/Public Works Director Johnson reported that the smell Alderman Williamson is asking about is gone.

ADOPTION OF CONSENT AGENDA

A. Approval of Minutes, Regular City Council Meeting, January 28, 2013.

Motion made by Alderman Williamson, seconded by Alderman Styler to approve the consent agenda as presented. The motion was unanimously approved by a roll call vote.

ROLL CALL AYES: Aldermen Ludvigsen, Mendez, Styler, Williamson

NAYS: None

ABSENT: Alderman Higgins

Motion carried.

APPROVAL OF EXCEPTIONS

There were none.

APPROVAL OF CONTRACTS

B. Approval of Amendment to an Agreement for Engineering Services for the 2012 Road Program with Baxter & Woodman.

City Administrator Marrin commented that with the addition of drainage projects to the 2012 program, it was not covered within the original agreement.

Alderman Ludvigsen asked if the City has all the deliverables.

City Engineer/Public Works Director Johnson commented that the City doesn't have final as built from Baxter and Woodman yet but as far as the items from Baker are concerned, everything is squared away.

Motion made by Alderman , seconded by Alderman Williamson to approve an Amendment to an Agreement for Engineering Services for 2012 Road Program with Baxter & Woodman. The motion was unanimously approved by a roll call vote.

ROLL CALL AYES: Aldermen Ludvigsen, Mendez, Styler, Williamson

NAYS: None

ABSENT: Alderman Higgins

Motion carried.

C. Approval of an Agreement for Engineering Services for the 2013 Road Program with Baxter & Woodman in the amount of \$45,000.

City Administrator Marrin commented that the agenda listed \$45,000 and the approval also should include construction engineering in the amount of \$303,000.

Motion made by Alderman Styler, seconded by Alderman Mendez to approve an agreement for engineering services for the 2013 Road Program with Baxter & Woodman in the amount \$45,000 for preliminary engineering services and \$303,000 for construction engineering for a total of \$348,000. The motion was unanimously approved by a roll call vote.

ROLL CALL AYES: Aldermen Ludvigsen, Mendez, Styler, Williamson

NAYS: None

ABSENT: Alderman Higgins

Motion carried.

LEGISLATION

D. A Resolution Directing the Sale of Property Commonly Known as 31-33 East Palatine Road.

Mayor Helmer struck this item from the agenda.

E. An Ordinance Approving a Special User Permit to Allow for a Sit Down Restaurant at 694 North Milwaukee Avenue (1st Reading).

Mr. Mike Thiessen, representing Blackhawk Restaurant Group presented the business planned for the location located at 694 North Milwaukee Avenue and 7B Camp McDonald Road. He presented pictures of a new location in Morton Grove. They have been granted two locations in Morton Grove, Oak Brook Terrace, and were recently approved in Oak Lawn and in Hoffman Estates.

Alderman Williamson commented that the presentation shows a bistro but he wanted to know if it is Blackhawk Restaurant Group's intent to obtain a liquor license and bring in video gaming.

Mr. Thiessen commented that the company does have liquor license applications pending with the City and they are open to having gaming in the restaurants. Video Gaming is not the primary motivation of Blackhawk Restaurant Group. It would just be a feature of the business. There is no traditional bar at the proposed locations.

Alderman Williamson asked about the seating configuration and size of the proposed locations.

Mr. Thiessen commented that both locations would have a seating of 24 to 32 people depending on configuration.

Alderman Williamson commented that he went to go visit the Morton Grove location but the windows were covered.

Mr. Thiessen commented that the City Council is welcome to visit the location in Morton Grove to do a walk through. The windows are covered until the occupancy permit is issued.

Alderman Ludvigsen commented that his concern is parking at the Camp McDonald Road location. He commented that he attended the Plan/Zoning Board of Appeals meeting and there was discussion of how to handle the parking situation with employees parking across the street which made him comfortable with the parking situation. He also asked what type of cooking there would be.

Mr. Thiessen commented that the business is comfortable with employees parking across the street. He commented that there is no deep fat frying. It is similar to a Panera where the food is started at a commissary and then brought to the restaurant to finish off.

Alderman Ludvigsen asked what hours are allowed for this operation. He asked what types of liquor license is being applied for.

Director of Building and Zoning Skiber commented that the liquor license will dictate the hours. The City Code does not restrict the hours of operation.

Mr. Thiessen commented the liquor license would be for beer and wine. The hours will be dictated based on the level of business traffic that is generated.

Alderman Ludvigsen commented that any place he has seen with video gaming stays open late. He asked if there are any open Blackhawk Restaurant Group businesses in the area. He asked if patrons would need to be 21 and older to enter.

Mr. Thiessen commented that there are no open establishments as of yet. The location is 21 and older. They want the age control components in place for the sake of alcohol service and a potential gambling component. They don't want there to ever be a misinterpretation of a minor being in the location.

Alderman Ludvigsen commented that he is happy about the idea near a grocery store. He is concerned that there are no other establishments that are 21 and older to enter. Most locations allow families in for meals during the day. He commented that in order to have gaming, the restaurant needs a liquor license. He asked if the business would operate without the gaming devices in Prospect Heights.

Mr. Thiessen commented that they gravitate towards places where they have the opportunity to make the most money or where they are most welcome. If this is not something the Council is receptive to, then Blackhawk Restaurant Group does not want to be here because there are other places that are receptive to the proposal which they understand.

Director of Building and Zoning Skiber commented that the spaces are approximately 2,000 square feet and both proposed spaces are vacant. Overall, testimony was positive. Offsite parking issues were vetted out and will be made to work. The recommendation was 6-0 by the Plan/Zoning Board of Appeals.

Alderman Williamson commented that there was no mention of liquor or gaming at the Plan/Zoning Board of Appeals meeting. It was presented there as simply just a bistro. He commented that there are bars that are open until 4:00am in the proposed locations. He has concern for the existing businesses. He wants to know if the company is bringing in new revenue or taking customers from other Prospect Heights locations.

Mr. Thiessen commented that their establishment won't be competing with Rocky Vander's. The design and feel of this establishment is different than other establishments in town. There will never be a sports game on TV at their establishment.

Alderman Williamson commented that he worries about a strip mall full of bars. He believes Prospect Heights is a family oriented community and he does not feel that the proposal is a family oriented business. He will keep an open mind and visit the Morton Grove location.

Mayor Helmer asked if the submitted liquor license applications were for beer and wine.

Deputy Clerk Sabo commented that the applications are in the background stages and are for beer and wine licenses.

Mr. Thiessen commented that he feels that their establishments are very high end. He thinks the City will be very proud to have their establishment in town.

Alderman Mendez commented that Rocky Vander's and Palwaukee Plaza is far from residents. This is a business proposal and will generate revenue for the City. He is looking forward to the establishment.

This being 1st reading, no vote was taken.

F. An Ordinance Approving a Special Use Permit to Allow for a Sit Down Restaurant at 7B Camp McDonald Road (1st Reading).

This item was discussed during Item E. This being 1st reading, no vote was taken.

APPROVAL OF EXPENDITURES

G. Approval of Warrants.

General Fund	\$ 103,748.10
MFT Fund	\$ 2,520.07
Palatine/Milwaukee TIF	\$ 2,587.16
Convention & Visitors Bureau	\$ 0.00
Development Fund	\$ 292.08
Non-Home Rule Sales Tax Fund	\$ 0.00
DEA Fund	\$ 319.90
Solid Waste Fund	\$ 25,918.18
SS Area #1	\$ 0.00
SS Area #2	\$ 0.00
SS Area #3	\$ 0.00
SS Area #4	\$ 0.00
SS Area #5	\$ 0.00
SS Area #8—Levee Wall #37	\$ 0.00
SS Area—Constr #6 (Water Main)	\$ 0.00
SS Area-Debt #6	\$ 350.00
Road Construction	\$ 125,765.47
Water Fund	\$ 2,019.09
Parking Fund	\$ 167.84
Road/Building Bond Escrow	\$ 500.00
Total Expenditures	\$ 264,187.89
Wire Payments, Service Charges, & Payroll	\$ 142,837.56
TOTAL	\$ 407,025.45

City Clerk Adamson commented that there was a revision to the warrants from the Agenda. There was an addition of two invoices for TurnKey Technology for a grand total \$35,000.

City Treasurer Tibbits commented that there is a bill from Calumet Photo which he does not recall being approved and asked for that item to be reviewed before issuing the payment.

Motion made by Alderman Styler, seconded by Alderman Williamson, to approve warrants in the amount of \$299,187.89 and wire payments, service charges, and payroll in the amount of \$142,837.56, for total expenditures of \$442,025.45. The motion was unanimously approved by a roll call vote.

ROLL CALL AYES: Aldermen Ludvigsen, Mendez, Styler, Williamson
NAYS: None
ABSENT: Alderman Higgins

Motion carried.

COMMITTEE APPOINTMENTS

Items H, I, J, K, and L. Motion made by Alderman Williamson, seconded by Alderman Mendez to approve items H, I, J, K, and L by omnibus motion. The motion was unanimously approved by a roll call vote.

ROLL CALL AYES: Aldermen Ludvigsen, Mendez, Styler, Williamson
NAYS: None
ABSENT: Alderman Higgins

Motion carried.

- H. Appointment of John DeJoris for the Position of Chairman of the Chicago Executive Airport Board.

Appointment Approved
Omnibus Motion

- I. Reappointment of Mark Saulka to the Ad Hoc Flooding and Streets Committee.

Reappointment Approved
Omnibus Motion

- J. Reappointment of Jerry Sredl to the Ad Hoc Flooding and Streets Committee.

Reappointment Approved
Omnibus Motion

- K. Reappointment of Lucy Theobald to the Ad Hoc Flooding and Streets Committee.

Reappointment Approved
Omnibus Motion

- L. Appointment of William Zyrkowski to the Economic Business Development Committee.

Appointment Approved
Omnibus Motion

RESIDENTS COMMENTS (Non Agenda Matters)

Mariusz Folta, 1225 N. Stratford Road, Arlington Heights, IL.

Mr. Folta commented that he continues to have concerns with the noise at HOME on Rand Road. He commented that the noise really begins to grow around 2:00am and later. He has called the police a few times. He mentioned that he visited the

establishment in the early morning hours and spoke with a police officer outside and asked if they are enforcing the noise ordinance. He said that the police officer commented that they report back to the City Council on any issues they find. He commented that the noise is more bass type noise and occasional screaming.

Alderman Williamson commented that he was there on a Friday night and he can attest that the outside speakers were off. He commented that he had a decibel meter on his phone and he walked outside and the noise from traffic was louder than the noise from HOME. There was noise when the front doors were opened.

UNFINISHED BUSINESS

There was none.

NEW BUSINESS

M. Discussion and Direction to Proceed with an Ordinance and Development Agreement for Player's Pub for TIF Eligible Expenses.

City Administrator Marrin commented that Player's Pub has submitted a reimbursement request for redoing the restaurant that they occupied. The total reimbursement requested is up to \$384,798 in project costs that they have completed. Staff reviewed the entire request for legitimacy of expenditures. This item is for direction to proceed with drafting an ordinance and an agreement providing for a reimbursement for Player's Pub for TIF eligible expenses.

Alderman Mendez commented that Save-A-Lot might ask for money. He is opposed to this because every business in that area may approach the City for TIF money.

Director of Building and Zoning Skiber commented that they took over a blighted building and spent a large sum of money to bring the entire structure up to code. They have created a successful establishment and paired it with the OTB. In reviewing TIF eligible expenses, they made the decision to apply for reimbursement for monies they have spent. There is a proposal for a 2400 square foot addition for the OTB to house it separately on the opposite side of the building. The money they are requesting is for reimbursement for the monies spent to bring the building back into the shape it is in.

Motion made by Alderman Williamson, seconded by Alderman Styler, to direct the City Administrator and the City Attorney to proceed with preparing an ordinance and to develop an agreement providing for \$200,000 in reimbursement to Player's Pub for TIF eligible expenses. The motion was approved by a roll call vote.

ROLL CALL AYES: Aldermen Ludvigsen, Styler, Williamson

NAYS: Alderman Mendez

ABSENT: Alderman Higgins

Motion carried.

N. Discussion and Direction on Conducting a Special Census in the City of Prospect Heights.

City Administrator Marrin commented that there have been accuracy inquiries on the population counts from the 2010 census. The City would like to contact the US Census Bureau to get a cost estimate for how much it would cost and how long it would take to schedule a special census for the East side of the City. This is in order to collect all money for MFT funds, special use taxes, and if there are any additional Federal funding opportunities which are allocated based on population. This item is to approve moving

forward with getting a cost estimate to do a Special Census from the US Census Bureau.

Alderman Styler commented that when he was involved with the Census, the returns from the East side were coming in below what they had anticipated. He is in support of conducting a special census.

Motion made by Alderman Styler, seconded by Alderman Ludvigsen, to direct staff to obtain a cost estimate from the US Census Bureau to conduct a Special Census on the East side of the City of Prospect Heights. The motion was unanimously approved by a roll call vote.

ROLL CALL AYES: Aldermen Ludvigsen, Mendez, Styler, Williamson
NAYS: None
ABSENT: Alderman Higgins

Motion carried.

ADJOURNMENT

Motion made by Alderman Styler, seconded by Alderman Williamson to adjourn the Regular City Council Meeting. The motion was unanimously approved by roll call vote.

ROLL CALL AYES: Aldermen Ludvigsen, Mendez, Styler, Williamson
NAYS: None
ABSENT: Alderman Higgins

Motion carried.

Motion carried by voice vote at 8:27 p.m.

Approved by the Prospect Heights City Council this 25th day of February, 2013.


Stacey Adamson, City Clerk


Nicholas J. Helmer, Mayor

