

The City of Lake Forest
CITY COUNCIL
Proceedings of the Tuesday, January 16, 2018
City Council Meeting - City Council Chambers

CALL TO ORDER AND ROLL CALL: Honorable Mayor Lansing called the meeting to order immediately following the Finance Committee Meeting at 7:18pm, and the City Clerk, Margaret Boyer called the roll of Council members.

Present: Honorable Mayor Lansing, Alderman Beidler, Alderman Morris, Alderman Newman, Alderman Rummel, Alderman Tack, Alderman Reisenberg, and Alderman Moreno.

Absent: Alderman Buschmann

Also present were: Robert Kiely, Jr., City Manager; Victor Filippini, City Attorney; Catherine Czerniak, Director of Community Development; Elizabeth Holleb, Director of Finance; Michael Thomas, Director of Public Works; Pete Siebert, Fire Chief; Sally Swarthout, Director of Parks & Recreation; Susan Banks, Communication Manager; Karl Walldorf, Chief of Police; DeSha Kalmar, Director of Human Resources; Mike Strong, Assistant to the City Manager, along with other members of City Staff.

There were approximately 80 persons present in the Council Chamber.

CALL TO ORDER AND ROLL CALL 7:25pm

PLEDGE OF ALLEGIANCE was recited by all those present in the Chamber.

REPORTS OF CITY OFFICERS

COMMENTS BY MAYOR

Mayor Lansing said he spoke for all reporting that we are saddened by the recent lives lost in Lake Forest and offered sincere and heartfelt sympathies to the Families. He thanked the Lake County Major Crimes Task Force and the Lake Forest Police Department for their responses and work on the case.

A. Decision Making Parameters

Mayor Lansing reported that he and Alderman Beidler had updated and shared their thoughts on the current Decision Making Parameters. This item is open to suggestion and will be brought to the City Council at a future date.

B. Proclamation to Declare January 23, 2018 as "The City of Lake Forest Poverty Awareness Day"

Mayor Lansing reported The City of Lake Forest is in support of declaring January 23, 2018 as The City of Lake Forest Poverty Awareness Day. The Lake County Community Foundation welcomes nationally renowned researcher, Dr. Scott W Allard to discuss his book Places in Need; The Changing Geography of Poverty at the new Northwestern Lake Forest Hospital on January 23.

COMMENTS BY CITY MANAGER

City Manager Robert Kiely asked Police Chief Karl Walldorf to report on the recent burglaries in Lake Forest. The City Council had discussion on use of social media and the use and capabilities when using a code RED.

A. Annual Community Goals and Priorities

- Robert Kiely Jr., City Manager

City Manager Robert Kiely gave an overview of the 2018 Community Goals that include Spirit of Community, Clarity of Expectations, Deliberate Mindfulness and Financial Acumen. The 2018 Priorities include Community Campaign, Fire Service, Commuter Rail Service, Deerpath Golf Course, Internal Processes and Budget Awareness. The City Council had discussion on community outreach, the City's website and financial documents and ways to communicate with residents.

B. Report on Deerpath Golf Course/Concessions

- **Vince Juarez, Kemper Sports Management General Manager, DPCG**

Director of Parks & Recreation Sally Swarhout gave a report on the pilot program that took place at the Forest Park Beach last summer with Kemper Sports Management to serve beer and wine. Ms. Swarhout reported that there were no incidents and that Staff will seek modification of the Class K licenses later in the evening. She then introduced Vince Juarez who gave a detailed overview of renovations to date, programing changes and anticipated growth revenues at Deerpath Golf Course. The City Council had discussion on investing in the Course, maximizing membership and potential 2018 developments.

C. Approval of an Ordinance modifying the Class K Liquor License for the Lake Forest Beach from a one week renewable Liquor License to an annual license (Waive first reading and Grant Final Approval)

Director of Parks & Recreation Sally Swarhout stated that staff is requesting approval of an Ordinance that modifies the Class K Liquor License to an annual liquor license and changes the fee. The City Council approved a pilot program for the provisional sale and consumption of beer and wine at Forest Park Beach in approved containers from 4:00pm to 9:00pm, July 1 through October 1, 2017 in a designated area. The modifications of the Class K liquor license are being proposed include year-round service when the beach is operational to help to ensure the success of the concessions program and other programs offered by Parks & Recreation. This modification would allow for an annual license with restrictions which meet obligations with the City and the Parks, Recreation and Forestry section consistent with other beach operations. The other restrictions applicable to Class K licenses would remain in place, including that beer and wine may only be sold and consumed in the designated beach area, the signage requirements, and the restrictions on the type containers in which beer and wine may be served. The second modification is to change the current fee from \$40.00 weekly to an annual fee of \$1500.00 for the license

The City Council had discussion on event possibilities at the beach.

Mayor Lansing asked if there was anyone from the public who would like to comment. Seeing none, he asked for a motion.

COUNCIL ACTION: If determined to be appropriate by the City Council, waive first reading and grant final approval of an Ordinance modifying the Class K Liquor License from a one week renewable license to an annual license, and modify the current fee associated with the License.

Alderman Beidler made a motion to waive first reading and grant final approval of an Ordinance modifying the Class K Liquor License from a one week renewable license to an annual license, and modify the current fee associated with the License, seconded by Alderman Reisenberg. The following voted "Aye": Aldermen Beidler, Morris, Newman, Rummel, Tack, Reisenberg, and Moreno. The following voted "Nay": None. 7- Ayes, 0 Nays, motion carried.

COMMENTS BY CITY COUNCIL MEMBERS

1. Ratification of Engagement of Special Counsel regarding Practices and Procedures

Alderman Reisenberg thanked residents who voiced their concerns regarding payments to the lobbying firm in relation to the pedestrian underpass and Amtrak stop at the Everett/Telegraph Road Train Station. Alderman Reisenberg felt it important to note the City Council actions since its last meeting. He outlined several initial recommendations heard earlier in the evening at the Finance Committee meeting. In addition to the actions of the Finance Committee, the City Council met in executive session on two occasions to interview many present and former officials individually, as part its fact finding. As a result of those discussions and the confines of the Open Meeting Act, Council decided to engage outside counsel to provide an independent and comprehensive review of the matter. Alderman Reisenberg stated that the City Council will be asked to ratify an agreement with Leigh Jeter. In executive session, Ms. Jeter will be providing the Council with an update regarding the investigation. Ms. Jeter will continue to collect all relevant data, schedule and conduct interviews and upon conclusion will report her findings.

Mayor Lansing and Alderman Reisenberg added that anyone who would like to submit information to Ms. Jeter may do so and that the Council anticipates a full report in February when the review is completed. He again thanked the residents for their time and patience and ensured a through, independent review of all pertinent information.

COUNCIL ACTION: Ratification of Engagement of Special Counsel regarding Practices and Procedures

Alderman Rummel made a motion to ratifying the Engagement of Special Counsel regarding Practices and Procedures, seconded by Alderman Reisenberg. The following voted "Aye": Aldermen Beidler, Morris, Newman, Rummel, Tack, Reisenberg, and Moreno. The following voted "Nay": None. 7- Ayes, 0 Nays, motion carried.

OPPORTUNITY FOR CITIZENS TO ADDRESS THE CITY COUNCIL ON NON-AGENDA ITEMS

The following persons offered their opinions to the City Council:

Amy Francetic, 1322 W Deerpath, Lake Forest
Carla Ojha, 1401 W Deerpath, Lake Forest
Frank Nimesheim, 1111 Pine Oaks Circle, Lake Forest
Rick Dahl, 1660 Cornell Ct, Lake Forest
Nancy Cooley, 1751 Stanford Ct, Lake Forest
Emily Houlihan 170 N Savanna Court, Lake Forest
David Tanaka, 1142 Pine Oaks Circle, Lake Forest
Tom Sarsfield, 1808 Princeton Ct, Lake Forest
Renee Settels, 544 Lexington Dr, Lake Forest
Ron Puszynski, 1810 Princeton, Lake Forest
JoAnn Desmond, 1681 Yale Ct, Lake Forest
Richard Sugar, 1059 Mar Lane, Lake Forest
Rick Cusack, 1126 Pine Oak Circle, Lake Forest
Dennis Meulemans, 1100 Sir William Lane, Lake Forest
Lexis & Mark Blitstein, 620 Academy Dr, Lake Forest- passed as the topic has already been covered.

Mayor Lansing then offered the following:

"Lake Forest City Council has a long history of problem solving and decision-making utilizing a thorough process that includes public input and engagement. I would like to thank all who have offered their opinions and information to the City Council over the past few months on West Lake Forest rail matters. By working together, we always make better decisions.

At all times, it is imperative the City Council's position on an Amtrak stop at Telegraph Road be clear to all, as well as matters affecting the Milwaukee District Northline, including a possible third track. Lest there be confusion in the community about these matters, I would like to state the following:

This City Council, as with past City Councils, supports an Amtrak stop at the Telegraph Road station. **Of utmost importance to Lake Forest is the impact the stop has on public safety.** This stop will slow and stop all Amtrak trains traversing our community thereby providing safety enhancement, including traffic intersections. An additional benefit to adding a stop is that it will provide an important transportation service to many Lake Forest citizens and commuters as well as large employers and small businesses within the area. This new stop will provide easy and efficient access for residents and employee traveling to and from Chicago and to ever-growing Milwaukee and Southeast Wisconsin business opportunities. The Council is pleased that after eight years of pursuing such a stop that Amtrak, IDOT, Metra and WisDOT all have agreed to the City's long pursued request.

This City Council, as with past City Councils, also supports the construction of a pedestrian underpass at the Telegraph Road station. Once again, for the public health and safety of our residents, we need to see this project become a reality. Lake Forest has experienced far too many track-crossing deaths over the years, and we need to take steps to make the Station safer. In 2018, we will work hard to finalize the engineering and raise the necessary external funding to complete this project. We are working to secure federal funding and are pursuing other outside sources of funding to support this important community safety enhancement that Amtrak also requires.

This City Council, as with past City Council's, supports the general enhancement of commuter rail service within our community. Many residents rely on Metra service to get to and from work, visit Chicago and travel to other communities. The availability of convenient and timely commuter rail service is vital to Lake Forest's long-term well-being.

These initiatives have been goals for the City since 2010 and have been part of the Lake Forest Strategic Plan. Obviously, for these goals to be achieved, the City has and will continue to work with Metra, Amtrak, IDOT and WisDOT. Let us not forget that Metra alone owns the Milwaukee District North line and must authorize any new stops, construction, or passenger service within their right-of-way.

Now- on an entirely separate matter, that has never been connected to the foregoing:

With regard to the Milwaukee District third track – **this City Council has not supported** the construction of a third track as proposed in the draft Environmental Assessment. Following the release of the draft Environmental Assessment in late 2016, the City Council **did** approve a Resolution raising many questions, which prompted more analysis of potential noise and vibration impacts on surrounding properties. The Council is concerned about the impact to our community and residents. **I do not believe that any member of the City Council believes a third track through our community enhances the quality of life.**

To that end, City representatives have met with Metra Officials to persuade them to explore alternative steps to achieve their desired operational flexibility. This work and direction is evidenced in Metra's recent TIGER grant application, **which does not include a funding request for a third track.**

As frustrating as it may be for some, City officials and residents must wait until the **final Environmental Assessment is released** to decide the City Council's next course of action. These actions could include engaging outside consultants, but that cannot happen until the report is released and we know the conditions, and a reasonable course of action is decided upon. We anticipate the report to be released in the next few months. Be assured, this City Council will share the report and hold a public meeting to discuss it and the defined recommendations. Only with specific data of the Environmental Assessment in hand can we explore **the next best steps.**

Once again, I thank our residents for their interest and patience and working through this complex issue. To make this community effort successful **we must work together patiently to be effective**. By following our long-standing tradition of thoughtful problem solving and community collaboration, I am confident we will reach the best solution. This tradition has served Lake Forest well for many decades and will continue to be a hallmark of the Lake Forest City Government.”

ITEMS FOR OMNIBUS VOTE CONSIDERATION

1. **Approval of the December 18, 2017 City Council Meeting Minutes**
2. **Check register for period of December 2, 2017-January 5, 2018**
3. **Special Event Approval of the Recurring “Class A” Special Event Permits Proposed for 2018**
4. **Approval of Additional Funding to GeWalt Hamilton Associates, Inc. for engineering services related to the Central Business District Train Station Renovation Project in an amount of \$4,711.70**
5. **Consideration of a Recommendation from the Zoning Board of Appeals in Support of an Amendment to a Special Use Permit for the Knollwood Club Approving Modifications to the Previously Approved Site Plan. (First Reading, and if Desired by the City Council, Final Approval)**

COUNCIL ACTION: Approval of the five (5) Omnibus items as presented

Mayor Lansing asked members of the Council if they would like to remove any item or take it separately. Seeing none, Mayor Lansing asked for a motion to approve the five Omnibus items as presented.

Alderman Newman made a motion to approve the five (5) Omnibus items as presented, seconded by Alderman Reisenberg. The following voted “Aye”: Aldermen Beidler, Morris, Newman, Rummel, Tack, Reisenberg, and Moreno. The following voted “Nay”: None. 7- Ayes, 0 Nays, motion carried.

Information such as Purpose and Action Requested, Background/Discussion, Budget/Fiscal Impact, Recommended Action and a Staff Contact as it relates to the Omnibus items can be found on the agenda.

ORDINANCES

1. **Consideration of a Recommendation from the Plan Commission in Support of a Special Use Permit Authorizing a Bank and Drive Thru Facility for Chase Bank and Consideration of a Recommendation from the Building Review Board in Support of Design Aspects of the Development Proposed at 884 S. Waukegan Road. (Waive First Reading, and if Desired by the Council, Grant Final Approval of the Ordinances)**

Director of Community Development Catherine Czerniak reported that based on recommendations from the Plan Commission and Building Review Board, the City Council is asked to consider two ordinances. The first approving a Special Use Permit to authorize a bank and drive thru facility in the B-1 District and the second, approving architectural and site design for the proposed development.

Ms. Czerniak reported that a new bank branch is proposed to be constructed at 884 S. Waukegan Road, which until recently, was the site of a McDonald's restaurant and that demolition of the existing building is proposed. The new building is proposed generally in the same foot print as the existing building. No changes are proposed to the existing curb cuts and the parking lot will also remain generally in the existing configuration with minor changes. Enhanced pedestrian connections on the site and to points off the site are proposed.

Ms. Czerniak gave detailed overview of the background on the property that included key concerns from 2003, the series of Standards, features of the project related to design and the overall features of the project. She then reviewed the recommendations from the Plan Commission to approve the Special Use Permit and the recommendation from the Building Review Board to approve Design aspects.

She stated that the Plan Commission heard testimony both in opposition to and in support of the petition and that several residents voiced a preference for retaining McDonald's at the site and opposition to another bank in the area. Owners of neighboring commercial properties testified in support of the petition noting that Chase Bank, a National Bank, will be making a substantial investment in the area and may attract customers into the area who will support existing businesses in the area.

The Building Review Board heard testimony from residents supporting the design of the site, the architecture of the building and the enhanced pedestrian walkways and requests were made to provide bike racks on the property and to maintain a low light level on the site. The petitioner agreed to accommodate both requests.

Ms. Czerniak also addressed the fact that a bank at this location, rather than a restaurant or retail use, will result in the loss of an opportunity for the City to receive sales tax revenues. The property owner proposes a one-time payment to the City to support maintenance of infrastructure, landscaping and amenities in the area and that the proposed payment is set forth in a recent letter to the Mayor and referenced in the Special Use Permit Ordinance.

The City Council had discussion on potential litigation, previous and current zoning of the business districts, Mayor Lansing asked the City Attorney if there are any material differences at the time this was going on with McDonalds and now in the legal framework of the City's processes. City Attorney Victor Filippini reported that zoning the procedures are essentially the same, but in subsequent years the Illinois Supreme Court made a couple of decisions in which resulted in the change to character in the Special Use permits nature from a legislative decision to a quasi-judicial decision, Mr. Filippini then read the following quote. "[A] 'special use' is a type of property use that is expressly permitted within a zoning district by the controlling zoning ordinance so long as the use meets certain criteria or conditions." In short a Special Use Permit is allowed in zoning code if it is recognized as a Special Use Permit, except that it has to meet special criteria, and that criteria has been reviewed by the Plan Commission. City Council had discussion on first reading only of the item, the attendance of City Council members, and when this item may come back to the Council for further action, the City's Comprehensive Plan, the size of the building, adaptive reuse of the proposed building, the previous TIF District that was in the area. Alderman Moreno read Alderman Buschmann's comments. Again the City Council had discussion on more desirable business in the area, compatibility of bank in relation to the district and to attempt to bring this item back when everyone is present.

Alderman Morris asked for a motion to only hear this item with first reading. City Attorney Filippini reported that this will be a voice vote and it simply allows the item to be continued, and noted that however the Council votes tonight has no bearing on subsequent votes. City Manager Robert Kiely recommended that the City Council engage the Legal Committee to review this item. Alderman Rummel and the Mayor are Liaisons to the Committee. In the interim, the Legal Committee can be asked to review this and provide guidance to the Council on permitted use. Alderman Rummel seconded Alderman Morris's amended

motion to hear this item as first reading only pending the Legal Committees review. Mayor Lansing then asked if there was anyone from the public who would like to comment on this matter. Seeing none, Mayor Lansing asked, all in favor say "Aye", those opposed say "Nay". Motion passes with a 6-1 voice vote.

COUNCIL ACTION: If determined to be appropriate by the City Council, waive first reading of an Ordinance granting a Special Use Permit authorizing Chase Bank and an associated ATM drive thru and approving the overall redevelopment plan for property located at 884 S. Waukegan Road.

AND

If determined to be appropriate by the City Council, waive first reading of an ordinance granting final approval of the Ordinance approving the Chase Bank petition in accordance with the Building Review Board's recommendation.

Mayor Lansing then asked for a motion to continue the BRB Ordinance consideration until the Special Use Permit comes back to the Council for second reading.

Alderman Newman made a motion to continue the BRB Ordinance consideration until the Special Use Permit comes back to the Council for second reading, seconded by Alderman Rummel, motion carried unanimously by voice vote.

NEW BUSINESS

- 1. Report on the Waukegan Road/Everett Intersection Improvement Project (information only)**
-Robert Ells, Engineering Superintendent

Engineering Superintendent Robert Ells reported that the planning for this project began in 2009 when The City of Lake Forest retained Kenig, Lindgren, O'Hara, Aboona, Inc. (KLOA) to conduct a traffic study on Everett Road. This study was requested to evaluate existing traffic conditions in the area along with possible impacts of a proposed residential development at the northwest corner of Everett Road and Telegraph Road.

Consideration was given to the traffic effects of the Lake Forest Metra Station parking lots, Everett Elementary School and Deerpath Middle School, as well as passenger and freight train activity on the Metra MD-N Line railroad.

Although plans for the proposed residential development did not progress, the City continued to look at the traffic issues in the area based on public comment and City Public Works Committee and Council feedback.

The plan calls for the addition of a dedicated right turn lane from southbound Waukegan Road to westbound Everett Road; lengthening the right turn lane, left turn lane and through lane from eastbound Everett Road to west of the Metra tracks and an enhanced left turn lane from westbound Everett road to southbound Waukegan Road.

This work, valued at about \$2.5M, would reduce traffic congestion at the intersection by adding additional vehicle stacking and creating dedicated turn lanes. The Phase I preliminary engineering design has been approved by both IDOT and Metra.

He stated that the City is now eligible for Federal Surface Transportation Program (STP) funding through the Lake County Council of Mayors. This funding would reimburse the City for 80% of eligible Phase II design, construction and Phase III construction engineering costs. City staff has recently concluded a Request for Qualifications process and has selected Civiltech Engineering, Inc. as the Phase II engineering design consultant. Staff is now in the process of submitting the agreements and required documents to the Lake

County planning staff so they may coordinate with IDOT/FHWA and update the project programming documents so that the federal dollars can be authorized for this project.

The tentative schedule is:

Date	Milestone
1/31/2018	IDOT/FHWA Project Programming database update/agreements submitted to IDOT
5/1/2018	Agreements approved by IDOT/FHWA/City Council
6/1/2018	Phase II design/easement and ROW acquisition by Civiltech
4/15/2019	IDOT/Metra/ICC final design approvals
6/20/2019	Project bid opening
12/15/2019	Project construction complete

Preliminary Cost Estimate:

Phase	STP Funds	City Funds	Total
Phase II Design	\$260,000	\$65,000	\$325,000
Construction	\$2,000,000	\$500,000	\$2,500,000
Phase III Eng.	\$160,000	\$40,000	\$200,000
Project Totals	\$2,420,000	\$605,000	\$3,025,000

Mayor Lansing thanked Mr. Ells for the update.

2. Discussion on use of Leaf Blowers within the City and related Noise Ordinance (information only)

- **Chuck Myers, Superintendent of Parks & Forestry**

Superintendent of Parks & Forestry Chuck Myers gave an update to the Council on the current City Code in relation to noise through the operation of lawn maintenance equipment including, but not limited to, lawn mowers, tractors and gasoline-powered leaf blower equipment. He also gave background information on this topic to include:

- 1991 - City Council passed first ordinance that restricted the hours of operation of lawn maintenance.
- 1995 - City Council modified the noise ordinance to draw a distinction between leaf blowers and other types of lawn maintenance equipment.
- 2000 - City Council and City Staff reviewed and discussed noise generated by leaf blowers, with no changes occurring to the City's code.
- 2001 - City Council revised the ordinance by combining the hours of operation for gasoline-powered leaf blowers with those of lawn maintenance equipment, in an effort to address the confusion the different hours of operation caused with residents and police officers alike.
- 2002 - A draft Ordinance was brought before City Council that would put a ban on leaf blowers if incorporated. After a discussion by City Council, there was a consensus that the Council could not support the draft ordinance.
- 2015 – City Council given presentation by City Staff on Lawn Maintenance Equipment Hours of Operation and Noise Generated from Leaf Blowers, with no actions taken.

Mr. Myers also addressed noise and air pollution and offered a sound level chart with OSHA limits for comparison. He reviewed the City and College initiatives, and the possible actions that include:

- Adjust allowable days/hours of operation
- Regulate decibel level allowed (65/70)
- Prohibit the use of gasoline-powered leaf blowers for a portion of the year (typically summer)

- Education/Training initiatives
- No action at this time.

Mayor Lansing thanked Mr. Myer for the update and stated that he and the Council are looking forward to future research and proposals. The City Council had discussion on enforcement issues.

ADDITIONAL ITEMS FOR COUNCIL DISCUSSION
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EXECUTIVE SESSION

Mayor Lansing asked for a motion to adjourn into executive session.

- 1. EXECUTIVE SESSION pursuant to 5 ILCS 120/2 (c), (1), The City Council will be discussing personnel.**

Alderman Reisenberg made a motion to adjourn into EXECUTIVE SESSION pursuant to 5ILCS 120/2 (c), (1), The City Council will be discussing personnel, seconded by Alderman Newman. The following voted "Aye": Aldermen Beidler, Morris, Newman, Rummel, Tack, Reisenberg, and Moreno. The following voted "Nay": None. 7- Ayes, 0 Nays, motion carried.

Mayor Lansing noted there will be no further business following executive session.

Adjournment into Executive Session at 10:41 pm

RECONVENE INTO REGULAR SESSION at 11:59 pm

ADJOURNMENT

There being no further business. Alderman Moreno made a motion to adjourn, seconded by Alderman Beidler. Motion carried unanimously by voice vote at 11:59 p.m.

Respectfully Submitted
Margaret Boyer, City Clerk

A video of the City Council meeting is available for viewing at the Lake Forest Library and on file in the Clerk's office at City Hall. You can also view it on the website by visiting www.cityoflakeforest.com. Click on I Want To, then click on View, then choose Archived Meetings Videos.