



MAY 3, 2022

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL
PALOS HEIGHTS, ILLINOIS**

I. CALL TO ORDER

The Mayor called to order the regular meeting of the City of Palos Heights City Council at 7:00 p.m. in the City Administrative Center, 7607 W. College Drive, Palos Heights, IL

II. INVOCATION & PLEDGE OF ALLEGIANCE

The Mayor led the invocation and Pledge of Allegiance.

III. ROLL CALL

Roll call indicated the following were present:

<i>Mayor</i>	Robert Straz	<i>Ward 1</i>	Jeffrey Key & Donald Bylut
<i>City Clerk</i>	Thomas Kantas	<i>Ward 2</i>	Jack Clifford & Robert Basso
<i>City Treasurer</i>	James Daemicke	<i>Ward 3</i>	Heather Begley & Brent Lewandowski
<i>City Attorney</i>	Tom Brown	<i>Ward 4</i>	Jerry McGovern & Michael McGrogan

V. SPECIAL PRESENTATIONS

None

VI. CONSENT AGENDA

- A. Approval of Minutes: City Council Meeting – April 19, 2022
- B. Approval of Payroll and Voucher List for the period ending April 29, 2022.
- C. Motion to approve a request from the Palos Area Chamber for a Special Event

Permit to conduct their Majestic Trail Race Run/Walk on Saturday, December 3, 2022 from 6 to 11 a.m. The race will start on 75th Ave and continue on to Lake Katherine Dr going west to the Cal Sag Bike Trail.

Alderman Clifford moved to approve the consent agenda seconded by Alderman Bylut.

On roll call, the motion to approve the Consent Agenda was:

Ayes: (8) Begley, Basso, Bylut, Clifford, Key, Lewandowski
McGovern, McGrogan

Nays: (0) None

With eight (8) affirmative votes the motion carried.

VII. OPENING OF SEALED BIDS

None

VII. REPORTS OF CITY OFFICIALS

A. Mayor:

- The Mayor introduced a measure to authorize the City Engineer and City Attorney to draft the necessary Plats of Vacation and Ordinances required to vacate the remaining portion of 68th Avenue right-of-way (ROW) between 125th and 127th Streets, and attach the vacated ROW to parcels located along 68th Court. Alderman McGovern moved to authorize the measure seconded by Alderman Key.

On roll call, the motion to approve the measure was:

Ayes: (8) Begley, Basso, Bylut, Clifford, Key, Lewandowski
McGovern, McGrogan

Nays: (0) None

With eight (8) affirmative votes the motion carried.

- Alderman Bylut moved to waive the rules to adopt the Ordinance seconded by Alderman McGovern. The motion carried by unanimous voice vote.
- Alderman Key moved to adopt the necessary Ordinance(s) required to vacate the remaining portion of 68th Avenue right-of-way (ROW) between 125th and 127th Streets, and attach the vacated ROW to parcels located along 68th Court seconded by Alderman McGovern.

Alderman McGrogan inquired regarding the fees to vacate the property and that the transfer would take place at no cost to the residents.

On roll call, the motion to approve the measure was:

Ayes: (8) Begley, Basso, Bylut, Clifford, Key, Lewandowski
McGovern, McGrogan

Nays: (0) None

With eight (8) affirmative votes the motion carried.

- B. Clerk: No Report
- C. Treasurer: No Report
- D. City Attorney: No Report

VIII. COMMUNICATIONS

Alderman Lewandowski stated that last Saturday PBO and Palos Power had a recent opening day parade that was well attended. Alderman Lewandowski thanked police and public works for their assistance.

IX. CITIZENS ADDRESSING THE CITY COUNCIL

Jesse Blazek (Library Director) discussed an issue regarding virtual programming. The Library intended to initiate in person programming in January after children had become vaccinated. The resurgence of covid at the end last year delayed in person programming. The construction project commenced in February and delayed in person programming due to reduced available space. Off site storage allowed the meeting room to remain open and currently in person programming for children is largely underway. Adult programming will feature a hybrid setup allowing for both in person and remote participation beginning in June. Mr. Blazek encouraged members of the City Council to contact him with any further questions.

Deb Albrecht 12042 S. 76th Avenue discussed the lack of safe pedestrian access on the east side and into to Community Park stating that the parking lot to the north is not safe for pedestrian access. There are a number of pedestrians attempting to access the park from the East and the row of bushes and the fence makes accessing the park difficult. Ms. Albrecht stated that stop signs should be reinstalled on 76th avenue and / or 121st street and that safe access is common sense and should be provided to the residents. Pedestrian traffic along 121st is significant as well as along 76th Avenue. Community Park is the only park in Palos Heights with this access predicament and supports removing the fence along the east side of the park.

Jack Sunta 12032 S. 75th Avenue discussed safe access to Community Park and the fence

and bushes along the east side of the Park. He stated that the fence makes accessing the park difficult and supports removing the fence. The traffic along 76th Avenue is significant and travels fast.

Katie Peiser 12423 S. 69th Court supports removing the fence and bushes along the east side of Community Park. Ms. Peiser has young children and would like for them to bike to the pool safely and believes that the current fence impedes their ability to do that safely.

X. REPORTS OF STANDING COMMITTEES

A. Finance—*Chairperson Alderman McGrogan*: No Report.

B. Public Safety—*Chairperson Alderman Basso*: Reminded residents to visit the City website which contains messages from the Police Department and provides helpful safety tips. Alderman Bassi stated that the AARP newsletter provides reporting on new scams and ways to avoid them.

C. Municipal Grounds and Property—*Chairperson Alderman Begley*:

- Alderman Begley moved to approve payment to Christopher B. Burke Engineering, Ltd for professional services for the CalSag Trail (at Lake Katherine) from February 27, 2022 to March 21, 2022 in the amount of \$8,639.78 seconded by Alderman Lewandowski.

On roll call, the motion to approve the payment was:

Ayes: (8) Begley, Basso, Bylut, Clifford, Key, Lewandowski
McGovern, McGrogan

Nays: (0) None

With eight (8) affirmative votes the motion carried.

- Alderman Begley moved to approve McCloud Aquatics to treat for Algae/Chara at Lake Katherine in the amount of \$10,155.77 seconded by Alderman Lewandowski.

On roll call, the motion to approve the service was:

Ayes: (8) Begley, Basso, Bylut, Clifford, Key, Lewandowski
McGovern, McGrogan

Nays: (0) None

With eight (8) affirmative votes the motion carried.

- Alderman Begley moved to approve to purchase holiday decor for the Harlem Ave lighting from Holiday Outdoor Décor in the amount of \$8,840.00 seconded by Alderman Lewandowski.

On roll call, the motion to approve the purchase was:

Ayes: (8) Begley, Basso, Bylut, Clifford, Key, Lewandowski
McGovern, McGrogan

Nays: (0) None

With eight (8) affirmative votes the motion carried.

- Alderman Begley moved to approve for planting of annuals/perennials behind Harlem Ave businesses from CNC Landscapes in the amount of \$6,075.00 seconded by Alderman Lewandowski.

On roll call, the motion to approve the payment was:

Ayes: (8) Begley, Basso, Bylut, Clifford, Key, Lewandowski
McGovern, McGrogan

Nays: (0) None

With eight (8) affirmative votes the motion carried.

- Alderman Begley moved to approve payment to Artistic Holiday Designs for holiday decorations in Community Park in the amount of \$13,919.28 seconded by Alderman Lewandowski.

Alderman Clifford inquired regarding the art and whether or not it would change from year to year. Alderman Begley and the Mayor stated that the art would be the same and the City would have an option to add certain things.

On roll call, the motion to approve the payment was:

Ayes: (8) Begley, Basso, Bylut, Clifford, Key, Lewandowski
McGovern, McGrogan

Nays: (0) None

With eight (8) affirmative votes the motion carried.

- Alderman Begley moved to approve removal of the split-rail fence and 16 bushes on the east end of Community Park between 121st Street and 120th Street seconded by Alderman Lewandowski.

Alderman Begley stated that her research does not indicate that there is any governmental entity which requires the presence of the fence and that the existence of the fence deserves a fresh review in response to residents who have requested that the bushes be removed to provide better access to the park. There are 16 bushes and a fence along the east side of the park which restricts access to the park. Alderman Begley encouraged a discussion on the necessity of the fence and the arguments for its removal. Alderman Begley stated that a number of residents have expressed their opinion that the fence be removed.

Alderman Bylut stated that he supports discussing the matter before the entire City Council and that the issue was first discussed in May of 2021. The discussion regarding the fence has evolved over the past year. In 2015 there was a discussion regarding the fence which started after a hole in the fence needed repair allowing people to use the hole to access the park. Further discussion regarding the fence repair centered on safety and discouraging children from using the hole in the fence to access the street. Alderman Bylut stated that he has spoken with members of the police department regarding the existence of the fence as having any necessary safety value. Alderman Bylut stated that the police department indicated that it does have safety value. The discussion about the fence pertains mostly to its safety value.

Alderman McGovern stated that past traffic safety studies recommended the construction of the fence and the bushes due to its proximity to the intersection and the inability to construct a crosswalk at that intersection. Allowing pedestrian traffic absent a crosswalk would conflict with federal regulations. A crosswalk in that area does not allow for ADA compliance. Frequent vandalism to the fence necessitated the installation of the bushes. Alderman McGovern referenced a September 2015 article in the Regional which looked at this issue.

The Mayor stated that based on the number of opinions on the issue and the importance of resident safety concerns leads him to believe that the issue requires further study which would provide greater access to the park but allow for appropriate safety measures consistent with applicable governmental guidelines.

Alderman Key stated that the fence and bushes provide a certain aesthetic and that the area was never an entrance to the park. That area is not a proper entrance to the park an that IDOT and other agencies would discourage such an area as an entrance. The existence of the fence as currently constituted is for safety purposes. Entering the park requires the use of the street because there are no sidewalks. The distance to the entrance of the park from the fence is approximately 50 feet and that close distance should not allow the removal. Alderman Key stated the potential lack of safety if the fence is removed should discourage this measure. Alderman Key stated that 4 different committees have examined the issue and that a comprehensive approach taking into consideration the applicable legal standards should be taken into consideration.

Alderman Begley stated that the traffic study referenced prior does not address the fence and bushes and pertains to stop signs only.

Alderman Lewandowski stated that he supports the discussion of safety issues in the City and that should be a paramount concern. The issue remains access to the park and that the fence and bushes obstruct the entry of the park by the residents. Alderman Lewandowski stated that any discussion about the ramifications associated with insurance requires closer analysis. Alderman Lewandowski stated that the residents' concerns should be taken into consideration. The Mayor stated as well that the issue of access into the park requires further consideration/

Alderman McGovern referenced a traffic accident which occurred after the fence was damaged. Alderman McGovern stated that 76th Avenue traffic accidents are rare and that the fence allows for safety.

Alderman Clifford referenced a report from the public works department and a series of reports regarding 76th Avenue and that these reports suggest that the fence should remain. Regarding a crosswalk at the area Alderman Clifford stated that ADA considerations make access to the park difficult. The fence is intended to allow use of the main entrance to the park and to avoid a non-compliant intersection.

Alderman McGrogan stated that a number of committees have looked at the issue if the police think its a safety concern that should be taken into consideration over convenience.

Alderman Lewandowski stated that the police chief and public works director should provide direct input on this matter. On that basis, Alderman Lewandowski moved to defer the vote to the next meeting seconded by Alderman Begley.

- Alderman Begley moved to approve installation of a bike rack at City Hall seconded by Alderman Lewandowski.

Alderman Basso moved to refer the matter back to the committee seconded by Alderman Clifford which carried by voice vote.

D. Planning and Zoning—*Chairperson Alderman McGovern*: No Report

E. Recreation—*Chairperson Alderman Key*: No Report

F. Roads and Construction - Chairperson Alderman Clifford reported that 123rd Street punch list work continues which includes culvert work. Asphalt patching work around the city will begin. The Roads program will commence shortly and that road work at Route 83 and Ridgeland is ongoing.

G. License, Permits & Franchises: Chairperson Alderman Lewandowski: No Report.

H. Water and Sewer—*Chairperson Alderman Bylut*: No Report

XI. REPORTS OF SPECIAL COMMITTEES

A. Business/Economic Development: Alderman Key - Reported on the adopt pot program encouraged sponsorship for \$80. Interested residents can contact City Hall. The pots will be planted on 5/21 at 8 am at the Pool. Farmers market begins next Wednesday.

B. Ad Hoc Cable TV: Alderman McGovern - No report

XII. OLD BUSINESS

Alderman Lewandowski reported on a discussion regarding the bike path at Lake Katherine.

XIII. NEW BUSINESS

Alderman McGovern stated that 135th street from Harlem to LaGrange is scheduled for construction until the end of June.

XIV. CITIZENS ASKING QUESTIONS REGARDING THE EVENING'S BUSINESS

Harlan Wiegota 7640 West 135th spoke on stop signs on 76th Avenue which were removed because it is a through street. Other town adopt stop signs in the event of the presence of pedestrians and that should be considered.

XV. ADJOURNMENT

At 8:10 p.m. the Mayor requested a motion to adjourn that passed unanimously.

Respectfully Submitted,

PALOS HEIGHTS CITY CLERK

Thomas Kantas

Date

MAY 3, 2022

PUBLIC HEARING TO CONSIDER NECESSARY PLATS OF VACATION AND
ORDINANCES REQUIRED TO VACATE THE REMAINING PORTION OF 68TH AVENUE
RIGHT OF WAY BETWEEN 125TH AND 127TH STREET

6:30 PM

- Roll call indicated the following were present:

Mayor Robert Straz *Ward 1* Jeffrey Key & Donald Bylut

City Clerk Thomas Kantas *Ward 2* Jack Clifford & Robert Basso

City Treasurer James Daemicke *Ward 3* Heather Begley & Brent Lewandowski

City Attorney Tom Brown *Ward 4* Jerry McGovern & Michael McGrogan

- Ken Busse provided an overview of the area and the history of past portions of the right of way which had been previously acquired by residents. Mr. Busse indicated that various portions of the right of way have been available on demand to the adjacent residents over the years. In this area it is deemed to be in the best interest of the City to vacate the remaining portions of the right of way in one process due to a variety of reasons including the land locked aspect of the area and the difficulty to maintain the area. It would save maintenance costs to the City and therefore would be available at no cost to the residents. A public hearing is required to vacate any public right of way which was done and notice provided to each property owner along 68th Court which would be attached to the right of way.
- Alderman Bylut stated that he lives adjacent to the right of way and acquired it because it was desirable to do so. Alderman Bylut related that public works several years ago conducted tree trimming and that at that time there was discussion about offering the remainder of the right of way to the owners. Alderman Bylut inquired regarding the oak trees existing on the premises and what the responsibility would be to the acquiring home owners to maintain or remove the trees once the properties were acquired. Mr. Busse indicated that the new owners would be responsible for any future maintenance of the trees and that the new responsibilities should be explained to the residents. Alderman Bylut stated that the residents should be aware of both the benefits and any potential costs they must bear once the property is acquired.
- Alderman McGrogan inquired regarding the residents' options regarding their option to

purchase. Mr. Busse stated that the City had a need to unburden itself regarding the land locked property and the associated liabilities which come with the maintenance of the property and that this process has been undertaken to allow the residents to assume the ownership of the property.

- Alderman Clifford and Alderman McGrogan inquired regarding any associated legal costs with the transfer of the property.
- Alderman McGovern stated that without permission of the residents the City cannot access the property to conduct maintenance. Mr. Busse stated that to gain access to perform maintenance is difficult and a burden on the City.
- Mr. Busse stated that in the past homeowners had approached the City on an ad hoc basis which created the landlocked parcels requiring City interventions to maintain the area. The conclusion was that when the area was subdivided the City should have deemed the area unnecessary and taken steps to vacate the right of way many years ago. Alderman Bylut stated that when the subdivision was initially constructed there was uncertainty about the use of right of way in the event that Oak Park Avenue was to be extended to 127th Street. Following the completion of the subdivision the land was then left vacant.
- Alderman Begley inquired about the notice provided to the area homeowners and that subsequent property taxes would be the responsibility of the residents acquiring the property.
- A resident asked about the time frame for this process. Mr. Busse indicated that the engineering firm and City Attorney would draft the necessary ordinances which would then be filed in the County Recorder's Office.

At 6:51 PM the Public Hearing concluded by unanimous consent of the City Council

Respectfully Submitted,

PALOS HEIGHTS CITY CLERK

Thomas Kantas