

**MINUTES OF A REGULAR MEETING OF THE ZION CITY COUNCIL HELD ON TUESDAY, JUNE 17, 2003, AT 7:07 P.M. IN THE CITY COUNCIL CHAMBERS, CITY HALL, ZION, ILLINOIS**

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Mayor Harrison called the meeting to order.

On call of the roll the following answered present: Commissioners Bennett, Taylor, DeTienne, Flammini and Mayor Harrison.

Mayor Harrison led in the Pledge of Allegiance to the Flag.

**AGENDA CHANGES**

It was moved by Commissioner Taylor, seconded by Commissioner Bennett to accept the Council agenda with amendments as follows:

- Adding payment amount of \$12,010.00 for John Edward Construction Company, item 5.e.
- Adding to consider appointing Connie Anderson to Fine Arts Council, item 8.1.
- Adding to consider discussion regarding Impact Fee Ordinance, item 8.m.
- Adding Sunset Ridge discussion, item 8.a.a.

The vote on roll call was: Commissioners Bennett, aye; Taylor, aye; DeTienne, aye; Flammini, aye; and Mayor Harrison, aye. Motion carried.

**CONSENT AGENDA**

It was moved by Commissioner Taylor, seconded by Commissioner DeTienne that the Consent Agenda be approved as follows:

- (a) **MINUTES** of a Regular Meeting and Closed Session held on June 3, 2003 at 7:00 P.M. and a Special Meeting held on June 9, 2003 at 6:33 P.M., with all members having previously received copies.
- (b) **RELEASE OF CLOSED SESSION MINUTES:** January 16, February 6 and February 20, 2001
- (c) **DEPARTMENTAL REPORTS:** Detailed Balance Sheet and Detailed Revenue & Expense Report, period ending May 31, 2003; Building Inspector's Report, May, 2003
- (d) **BILLS:** Vouchers 83518 through 83652 drawn on National City Bank, \$952,103.68
- (e) **PAYMENTS:** Lake County Collector, rebate surplus tax, TIF District #1, \$70,000.00; Zion Chamber of Commerce, hotel/motel tax payment, \$4,362.14; John Edward Construction Co., work performed through March 31, 2003; \$12,010.00; Bio-Tron, Inc., Zoll & MRL Service Contract, \$1,600.00; Tsarpalas Enterprises, Inc., underground tank removal at 2861 Sheridan Road, \$8,335.75

The vote on roll call was: Commissioners Bennett, aye; Taylor, aye; DeTienne, aye; Flammini, aye; and Mayor Harrison, aye. Motion carried.

**PURCHASE OF 1221 27<sup>TH</sup> STREET**

It was moved by Commissioner Taylor, seconded by Commissioner Flammini that a Resolution (03-R-22) be passed authorizing the purchase of 1221 27<sup>th</sup> Street, Zion, Illinois. The City is purchasing this property at a cost of \$160,000 per an agreement with the property owner, and not as a condemnation. The vote on roll call was: Commissioners Bennett, aye; Taylor, aye; DeTienne, aye; Flammini, aye; and Mayor Harrison, aye. Motion carried. Resolution passed.

**AMENDING MUNICIPAL CODE/NUISANCES**

It was moved by Commissioner DeTienne, seconded by Commissioner Taylor that an Ordinance (03-0-26) be passed amending the Municipal Code of the City of Zion, as amended, Section 62-401 & 402 regarding nuisances. Attorney Rolek stated that this amendment would eliminate the reference to businesses, which have received valid permits from the City or a state or federal agency. The vote on roll call was: Commissioners Bennett, aye; Taylor, aye; DeTienne, aye; Flammini, aye; and Mayor Harrison, aye. Motion carried. Ordinance passed.

**SUNSET RIDGE SUBDIVISION**

Homeowners in the Sunset Ridge Subdivision noted several issues and concerns with the developer of the Sunset Ridge Subdivision as follows:

- Unfinished construction work
- Unfinished landscaping
- Numerous construction problems
- Unfinished punch list
- Unanswered phone calls
- Legality of certain contracts/unfair business practices

The homeowners stated the developer has a permit to start on Phase 6, however there is unfinished work on the other phases. Attorney Rolek stated, if the owners have temporary permits, then the City could get involved. The City can't get involved with aesthetic issues. If there are city-required issues, and the city held money for these purposes, then the city could pursue the problems. Attorney Rolek suggested the homeowners hire an attorney for all other issues. John Jones stated he has placed a call to developer John Maki, informing him of his requirements, and will continue to pursue this matter. Mayor Harrison stated the City is holding \$5,000 per home of the developer's money, until the city's required work is completed. Attorney Rolek stated he would advise the homeowners to contact the States Attorneys Office regarding any unfair business practices.

**MOSQUITO CONTROL PROGRAM**

Mayor Harrison stated he is interested in increasing the city's mosquito control efforts, noting the city is concerned regarding the lack of mosquito control at the Illinois Beach State Park. George Balis, Entomologist/Control Consultant with Clarke Mosquito Control Company, stated West Nile Virus first appeared in 1999, and is transmitted by wild birds and mosquitoes. Clarke is currently doing adult mosquito control in Zion, and the company was able to obtain grant funds last year, in order to treat catch basins. Mr. Balis recommended catch basin treatments be added this year. Citizens can get rid of 10% of mosquito populations by eliminating standing water areas. Clarke has a citizens' hot line for questions and/or problems at 1-800-942-2555. Commissioner Taylor questioned the effectiveness and cost of catch basin treatments. Mr. Balis stated Zion's 1,800 catch basins could be treated for \$15,000, and that Clarke would offer to assist the city in receiving grant funding to help pay for these treatments. Mayor Harrison questioned whether or not these catch basin treatments would be effective after heavy rains. Mr. Balis stated the product is industrial-weighted and would remain in the catch basins for the entire season. Mr.

Balis also stated residents, who request to be notified of mosquito spraying, are notified in advance by phone.

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Commissioner Taylor suggested adding catch basin treatments, increasing the mosquito control line item, and pursuing grants through state funding. Mr. Balis stated he is currently working with the Lake County Health Department in obtaining such funds. Mayor Harrison stated Lake County Stormwater Management Agency should participate in mosquito control, since they are responsible for establishing many of the ponds and standing water throughout Lake County. Attorney Rolek suggested private owners should be responsible for standing water areas on their own property. Mayor Harrison questioned, if certain catch basins remained dry throughout the season, could the City amend the contract to exclude these basins. Mr. Balis stated, if catch basins are currently dry, the treatment would remain in the basin and would later be activated upon water entering it. Mr. Balis recommended treating all catch basins.

It was moved by Commissioner Taylor, seconded by Commissioner Flammini to approve amending the budget, adding \$15,000 to mosquito control for catch basin treatments, and contracting with Clarke Mosquito Control for the 2003 season, subject to the City Attorney's approval of the contract. Commissioner Bennett stated he would want the proposal for the \$15,000 treatments in writing from Clarke Mosquito Control, prior to approving the additional cost.

At this time, Commissioner Taylor amended his motion and Commissioner Flammini amended his second to approve amending the budget, adding \$15,000 to mosquito control for catch basin treatments, and contracting with Clarke Mosquito Control for the 2003 season, subject to the City Attorney's approval of the contract, and subject to the written submittal of the \$15,000 proposal for the catch basin treatments. The vote on roll call was: Commissioners Bennett, aye; Taylor, aye; DeTienne, aye; Flammini, aye; and Mayor Harrison, aye. Motion carried.

**BUILDING DEPARTMENT PERSONNEL**

A memo (03-DOC-139) was received from John Jones, requesting Building Department personnel changes as follows:

1. Eliminating the position of Code Enforcement Officer, in which a vacancy has occurred,
2. Replacing this position with a Property Maintenance Inspector, and
3. Posting and advertising for the position of Property Maintenance Inspector.

It was moved by Commissioner Flammini, seconded by Commissioner Taylor to approve eliminating a Code Enforcement Officer position, replacing with a Property Maintenance Inspector, granting permission to post and advertise for this position, and amending the Personnel Authorization accordingly. The vote on roll call was: Commissioners Bennett, aye; Taylor, aye; DeTienne, aye; Flammini, aye; and Mayor Harrison, aye. Motion carried.

**PART-TIME EMPLOYEE WAGES**

It was moved by Commissioner Bennett, seconded by Commissioner DeTienne that part-time employee wages be established effective May 1, 2003 as follows:

ESDA Coordinator	\$9,000.00 annual salary
Asst. ESDA Coordinator	\$2,500.00 annual salary
Treasurer	\$2,400.00 annual salary
Part-time Community Service Officers	\$9.00 - \$13.00 per hour
Part-time Clerical/Accounting	\$10.00 per hour
Part-time Building Inspector	\$20.36 per hour
Part-time Summer/Public Works	\$9.00 - \$10.00 per hour
Part-time Summer/Engineering	\$9.00 - \$11.00 per hour
Part-time Summer Supervisors/Public Works	\$12.00 - \$16.50 per hour
Paid on Call EMTs	\$9.00 - \$10.00 per hour

The vote on roll call was: Commissioners Bennett, aye; Taylor, aye; DeTienne, aye; Flammini, aye; and Mayor Harrison, aye. Motion carried.

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#### **JUBILEE DAYS FESTIVAL/FIREWORKS**

Mayor Harrison stated the Jubilee Days Festival Commission recommends contracting with Brite Star Productions, Inc. in the amount of \$7,500 for the 2003 Jubilee Days Festival fireworks.

It was moved by Commissioner Taylor, seconded by Commissioner Bennett to approve contracting with Brite Star Products, Inc. in the amount of \$7,500 for the 2003 Jubilee Days Festival fireworks, subject to the City Attorney's review of the contract. The vote on roll call was: Commissioners Bennett, aye; Taylor, aye; DeTienne, aye; Flammini, aye; and Mayor Harrison, aye. Motion carried.

#### **E911/NEW WORLD SYSTEMS**

Chief LaBelle recommended contracting with New World Systems for a wireless system for E911. Attorney Rolek has reviewed this contract. Chief LaBelle stated, if this system were to be approved prior to the end of June, the City would receive a \$5,000 discount. The system would be paid directly through E911 funding, and would cost \$196,714, including the \$5,000 discount.

It was moved by Commissioner DeTienne, seconded by Commissioner Bennett to approve contracting with New World System for a wireless system for E911, authorizing payment in the amount of \$196,714. The vote on roll call was: Commissioners Bennett, aye; Taylor, aye; DeTienne, aye; Flammini, aye; and Mayor Harrison, aye. Motion carried.

#### **SHEPHERD'S CROSSING DEVELOPMENT/DEERPOINT HOMES**

Attorney Rolek stated Deerpoint Homes Zion, LLC is requesting preliminary approval of Shepherd's Crossing Planned Unit Development. Final approvals would still be necessary from the Council, Attorney and engineering. Shepherd's Crossing would be 246 single-family homes with common space and parks. Attorney Rolek stated this agreement contains a provision for strong covenants, and impact fees would be paid to the taxing bodies. The plan would go back before the Planning/Zoning Commission. Al Hill, Zion Park District Director, stated this subdivision has nice amenities, and would have a good impact on park land. Attorney Rolek recommended having a Special Service Area (SSA) as a back-up. Commissioner Bennett noted this agreement fixes fees for a 5-year period, stating the time period should be shorter. Commissioner Bennett also questioned who would be responsible for maintaining the detention pond. Attorney Rolek stated this maintenance would be the responsibility of the Homeowners Association or the SSA. Commissioner Bennett inquired why there wasn't a substantial contribution for the Lydia Avenue reconstruction in this agreement. Attorney Rolek noted the agreement does indicate Deerpoint Homes would be responsible for approximately one-third of the costs for reconstruction of Lydia Avenue.

It was moved by Commissioner Taylor, seconded by Commissioner DeTienne to grant the preliminary approval of Shepherd's Crossing Planned Unit Development Agreement, subject to the resolution of Commissioner Bennett's concerns and the review and approvals of the City Attorney and engineering. The vote on roll call was: Commissioners Bennett, aye; Taylor, aye; DeTienne, aye; Flammini, aye; and Mayor Harrison, aye. Motion carried.

#### **NORTH SHORE SANITARY DISTRICT/REAL ESTATE CONTRACT**

Delaine Rogers stated the Real Estate Contract-Second Amendment with North Shore Sanitary District now includes a 30% price reduction, as well as many service and infrastructure improvements.

It was moved by Commissioner Bennett, seconded by Commissioner Taylor to approve the Real Estate Contract-Second Amendment with North Shore Sanitary District. The vote on roll call was:

Commissioners Bennett, aye; Taylor, aye; DeTienne, aye; Flammini, aye; and Mayor Harrison, aye. Motion carried.

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#### **A SAFE PLACE/SPECIAL USE PERMIT**

The Planning and Zoning Commission considered a request for an amendment to the Special Use Permit for a transitional multi-unit housing development, as petitioned by A Safe Place – Zoning Docket 03-Z-08. The Planning/Zoning Commission recommended approval. The request is to relocate the driveway from the west at Willow Drive, to the east at 17<sup>th</sup> Street. This change would eliminate disturbing the natural open-space area on the west side. A Safe Place owns the parcel to the east. John Jones stated this change should have little impact on the homes to the south.

It was moved by Commissioner Flammini, seconded by Commissioner Bennett to approve the amendment to the Special Use Permit for A Safe Place for the driveway relocation, as requested, and for an ordinance to be prepared accordingly. The vote on roll call was: Commissioners Bennett, aye; Taylor, aye; DeTienne, aye; Flammini, aye; and Mayor Harrison, aye. Motion carried.

#### **FARMERS' MARKET**

A memo (03-DOC-140) was received from Delaine Rogers, requesting to waive the vendor/solicitor fee for the first year Farmers' Market participants. The Farmers' Market would take place every Thursday from 7:00am to 12:00pm in the 2500 block of Sheridan Road until the end of September. The booths would offer fresh vegetables, fruits and flowers, noting criteria has been set as to items which can be sold. Ms. Rogers stated first-year vendors understand that sales may be slow in the beginning. Ms. Rogers requested waiving the \$25 vendor fee for this year only.

It was moved by Commissioner Taylor, seconded by Commissioner Bennett to approve waiving the vendor/solicitor fee for the 2003 Farmers' Market participants. The vote on roll call was: Commissioners Bennett, aye; Taylor, aye; DeTienne, aye; Flammini, aye; and Mayor Harrison, aye. Motion carried.

#### **RELOCATION OF AMERITECH FACILITIES/STREETSCAPE PROJECT**

Commissioner Taylor presented a work authorization contract and invoice from SBC/Ameritech for the relocation of aerial facilities as part of the Streetscape Project. This work would include the Sheridan Road west alley between 26<sup>th</sup> Street and 28<sup>th</sup> Street. Commissioner Taylor recommended approving this work authorization for a total cost of \$157,681.30. Commissioner Flammini questioned whether or not SBC/Ameritech's project would conflict with the relocation of Commonwealth Edison's lines. Commissioner Taylor stated all work would be coordinated, noting Commonwealth Edison's costs are not yet available. Commissioner Taylor also stated, should there be a need to cancel this agreement with SBC/Ameritech, the City would still be responsible for \$22,896.58 in engineering costs.

It was moved by Commissioner Taylor, seconded by Commissioner Bennett to approve the work authorization contract with SBC/Ameritech for the relocation of aerial facilities in the Sheridan Road alley between 26<sup>th</sup> Street and 28<sup>th</sup> Street, authorizing payment in the amount of \$157,681.30 from the Streetscape Project budget. The vote on roll call was: Commissioners Bennett, aye; Taylor, aye; DeTienne, aye; Flammini, aye; and Mayor Harrison, aye. Motion carried.

#### **WATER MAIN REPAIRS/ROUTE 173**

A memo (03-DOC-141) was received from Brian Usher, requesting to waive bids and contract for the repair of water main and pavement on Route 173 west of Bethesda Blvd. Due to the length of the pipe replacement and traffic control needed, Mr. Usher recommended hiring a private contractor for the repair. Quotes were solicited, and Campanella & Sons provided the lowest quote in the amount of \$30,969.50.

It was moved by Commissioner Taylor, seconded by Commissioner Bennett to approve waiving bids and awarding the contract for the repair of water main and pavement on Route 173 west of Bethesda Blvd. to Campanella & Sons in an amount not to exceed \$30,969.50. The vote on roll call was: Commissioners Bennett, aye; Taylor, aye; DeTienne, aye; Flammini, aye; and Mayor Harrison, aye. Motion carried.

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#### **FINE ARTS COUNCIL**

Mayor Harrison recommended appointing Connie Anderson to the Fine Arts Council.

It was moved by Commissioner Taylor, seconded by Commissioner Bennett to appoint Connie Anderson to the Fine Arts Council. The vote on roll call was: Commissioners Bennett, aye; Taylor, aye; DeTienne, aye; Flammini, aye; and Mayor Harrison, aye. Motion carried.

#### **IMPACT FEES**

Attorney Rolek stated he has concerns regarding the current Impact Fee Ordinance, and how the economic impact relates to schools. Attorney Rolek recommended eliminating the section pertaining to the building construction fund, as this section was designed for when the City no longer wants further growth. Delaine Rogers stated the City should still maintain between \$8,000 and \$11,000 in fees. Attorney Rolek will provide further information, and this item will be placed on the July 1 meeting agenda. No action was taken.

#### **ANNOUNCEMENTS**

Mayor Harrison stated local school systems play a vital part in communities' economic development. The City has received and will continue to receive money from the Calpine project. Host fee money was allocated to Zion Elementary School District 6. Due to Calpine's construction, taxes have also provided a substantial sum to other taxing bodies, however Elementary School District 6 doesn't receive any of this tax money. Mayor Harrison recommended the Council consider allocating a portion of the funds received from Calpine to Elementary School District 6. Commissioner Taylor agreed with Mayor Harrison's recommendation, stating Elementary School District 6 is landlocked, and new development would be outside of their boundaries. Commissioner Bennett stated the balanced budget is using \$1,500,000 of surplus cash. Mayor Harrison noted new revenue sources continue to become available.

June 21	Nostalgia & Gypsy Days Celebrations
July 1	City Council Meeting
July 15	Township Board Meeting

#### **ADJOURN**

There being no further business to come before the Council at this time, it was moved by Commissioner Taylor, seconded by Commissioner Bennett and unanimously approved the meeting be adjourned at 9:10 p.m. Motion carried.

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City Clerk

Approved July 1, 2003