

**MINUTES OF A REGULAR MEETING OF THE ZION CITY COUNCIL HELD ON TUESDAY, JUNE 21, 2016, AT 7:00 P.M. IN THE CITY COUNCIL CHAMBERS, CITY HALL, 2828 SHERIDAN ROAD, ZION, ILLINOIS**

---

Mayor Hill called the meeting to order.

On call of the roll the following answered present: Commissioners McDowell, DeTienne, Frierson, and Mayor Hill. Commissioner McKinney was absent. A quorum was present.

Also present: Chief of Police Steve Dumyahn, Fire/Rescue Chief John Lewis, Public Works Director Ron Colangelo, Building & Zoning Director Richard Ianson and City Attorney Paula Randall. Accounts/Finance Director David Knabel was absent.

Mayor Hill led in the Pledge of Allegiance to the flag.

**AGENDA CHANGES**

It was moved by Commissioner McDowell, seconded by Commissioner Frierson to accept the City Council meeting agenda with the following change:

- Item 12 "Closed Session: – delete the discussion of collective bargaining and add the discussion of pending litigation

The vote on roll call was: Commissioners McDowell, aye; DeTienne, aye; Frierson, aye; and Mayor Hill, aye. Motion carried.

**CITIZEN COMMENTS**

W. C. Bremner, Zion, commended Director Colangelo for the Public Works Department's fine work at 29<sup>th</sup> Street and Elim and Elizabeth Avenues on the new sidewalks. He complimented him on reducing the grade and the new brickwork.

Gary Leff, CEO, Laredo Hospitality, stated that he is responsible for 41 video gaming cafés in the State of Illinois. He stated that all are high performing cafés. He asked the Council to table Agenda Item 8(b), under which the Council would consider the reduction of the number of Class K Liquor Licenses from five to four, to allow him an opportunity to make a presentation to the Liquor Control Commission at their meeting on June 23, 2016 regarding his operations and to apply for the open Class K video gaming café liquor license. Mr. Leff stated that at the time the Class K license applications were reviewed and awarded, Laredo was in a tie for the fifth license and lost in the deciding coin toss. He stated that Mayor Hill informed him that if one of the five applicants failed to perform, Laredo would be awarded the fifth license. He stated that he believes that elimination of the fifth Class K Liquor License would be an unfair decision.

**CONSENT AGENDA**

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

- (a) **APPROVAL OF MINUTES:** a Regular Meeting held on June 7, 2016 at 7:00 p.m.; and approval but not release of Closed Session Minutes of a meeting held on June 7, 2016 at 7:55 p.m.
- (b) **BILLS:** Vouchers 123764 through 123877 drawn on First Merit Bank, Total: \$402,488.20

Approved by omnibus vote as follows: Commissioners McDowell, aye; DeTienne, aye; Frierson, aye; and Mayor Hill, aye. Motion carried.

**RESOLUTION/TEMPORARY ROAD CLOSURE/JUBILEE DAYS**

A memo (16-DOC-53) was received from Chief Dumyahn requesting the temporary closure of Sheridan Road for the Jubilee Days Parade on September 5, 2016. He stated that, on February 16, 2016, the City Council approved the proposed Jubilee Days Parade route whereby the parade would continue to begin at Shiloh Blvd. and Emmaus

Avenue, proceed north to 23<sup>rd</sup> Street, east to Sheridan Road, then south on Sheridan, coming to an end in the 2900 or 3000 block of Sheridan Road. Chief Dumyahn stated that he and Parade Chairman Rich Walker recommend that the temporary road closure request resolution reflect the road closure to 31<sup>st</sup> Street to allow for easier parade participant disbursement and better traffic control.

It was moved by Commissioner McDowell, seconded by Commissioner Frierson that a Resolution (16-R-10) be passed requesting permission of the Illinois Department of Transportation for the temporary closure of Sheridan Road on September 5, 2016 between 12:00 P.M. and 3:30 P.M. from 23<sup>rd</sup> Street to 31<sup>st</sup> Street for the Jubilee Days Parade. The vote on roll call was: Commissioners McDowell, aye; DeTienne, aye; Frierson, aye; and Mayor Hill, aye. Motion carried. Resolution passed.

### **ORDINANCE/PREVAILING RATE OF WAGES**

A memo (16-DOC-54) was received from City Attorney Scott Puma regarding the 2016 Prevailing Rate of Wages Ordinance. The memo explained that the Illinois Department of Labor (IDOL) has not adopted wage rates since July 2015 and they have indicated that the State does not know if it will be establishing wage rates in June 2016 or not due to budget cuts. Regardless of whether the IDOL adopts rates or not, the City Council is required by law to establish prevailing wage rates in June. The memo stated that the ordinance was prepared using language which uses the wage rates in effect when the ordinance is adopted and then allows the City to append any new rates that the IDOL may adopt after the City has passed the ordinance without further action by the City Council.

It was moved by Commissioner DeTienne, seconded by Commissioner Frierson that an Ordinance (16-0-22) be passed ascertaining the Prevailing Rate of Wages for 2016 to be determined by the Department of Labor and later appended to the ordinance, for laborers, mechanics and other workers performing construction of public works in the City of Zion, Lake County, Illinois. The vote on roll call was: Commissioners McDowell, aye; DeTienne, aye; Frierson, aye; and Mayor Hill, aye. Motion carried. Ordinance passed.

### **ORDINANCE/AMENDING LIQUOR CONTROL ORDINANCE**

A memo (16-DOC-55) was received from Mayor Hill regarding amending Zion Municipal Code Chapter 56, Liquor Control. He stated that there are currently four Class A liquor licenses that apply to restaurants with 75 seats or more. There has been a request to establish two additional licenses for two additional restaurants. Mayor Hill stated that the Liquor Control Commission recommends approval of two additional Class A liquor licenses. Commissioners McDowell and Frierson asked that the two applicants be named. Attorney Randell stated the Council meeting was not an appropriate venue to discuss the names of the applicants. She stated that the applicants would be named and their applications would be considered at a Liquor Control Commission public hearing to be held on June 23, 2016.

It was moved by Commissioner McDowell, seconded by Commissioner DeTienne that an Ordinance (16-0-23) be passed amending Chapter 56 of the Zion Municipal Code, Section 56-58 "Limitation on number of licenses issued", increasing the number of Class A Liquor Licenses from four (4) to six (6). The vote on roll call was: Commissioners McDowell, aye; DeTienne, aye; Frierson, nay; and Mayor Hill, aye. Motion carried. Ordinance passed.

Mayor Hill stated that there has also been a request for liquor license hours to be expanded for the Class A liquor license. The request is to change opening hours from 11:00 a.m. to 9:00 a.m. to allow the Class A license holders to better compete with the video gaming cafés whose hours begin at 9:00 a.m. The Liquor Control Commission recommends approval of the change in hours. Commissioners DeTienne and McDowell stated that they were not in favor of changing the hours. Mayor Hill called for a motion and there was none. Mayor Hill stated that, without a motion, no action will be taken on this proposed amendment.

Mayor Hill stated that when the Liquor Control Commission originally considered the Class K video gaming café liquor licenses, they reviewed thirteen (13) applications. He stated that points were assigned to rate each applicant. Laredo Hospitality tied with Lucky Jack's and a coin toss was conducted to determine who would be awarded the fifth license. Lucky's Jack's prevailed. Mayor Hill stated that there is no reference in the Liquor Control Commission minutes of him informing Laredo Hospitality that, if any of the applicants awarded failed to use their license, the open license would be awarded to them. He stated that he did recall making this statement to Mr. Leff during a telephone conversation the next day. Mayor Hill stated that he has since changed his mind and asked the

Liquor Control Commission to consider eliminating the open Class K license. He stated that the Liquor Control Commission recommends elimination of the fifth Class K license. Mayor Hill stated that Mr. Leff feels the elimination of the license is unfair and has asked the City Council to table amending the Liquor Control Ordinance to reduce the number of Class K licenses from five to four to allow him an opportunity to make a presentation to the Liquor Control Commission at their meeting on June 23, 2016. Mayor Hill stated that, if the Commission recommends awarding the license to Laredo Hospitality, the matter will not come before the Council again, but if the Commission recommends eliminating the open license, the matter will come before the Council again in the form of a Liquor Control Ordinance amendment to reduce the number of licenses.

It was moved by Commissioner McDowell, seconded by Commissioner DeTienne to table consideration of an ordinance amending Chapter 56 of the Zion Municipal Code, Section 56-58 "Limitation on number of licenses issued", decreasing the number of Class K Liquor Licenses from five (5) to four (4), to allow Laredo Hospitality the opportunity to make a presentation before the Liquor Control Commission on June 23, 2016. The vote on roll call was: Commissioners McDowell, aye; DeTienne, aye; Frierson, aye; and Mayor Hill, aye. Motion carried.

### **ORDINANCE/CLINTON AUTO AUCTION AGREEMENT**

A memo (16-DOC-56) was received from Chief Dumyahn requesting authorization to execute an agreement between Clinton Auto Auction and the City of Zion for the disposition of surplus vehicles. He stated that on March 17, 2015, Ordinance 15-O-14 was passed declaring various vehicles as surplus property. The ordinance authorized the sale of the surplus vehicles through the public bid process. He stated that only one bid was received. He recommended entering into an agreement with Clinton Auto Auction to liquidate surplus vehicles from this time forward, therefore, using a single means and streamlining the process.

It was moved by Commissioner McDowell, seconded by Commissioner Frierson that an Ordinance (16-0-24) be passed authorizing execution of an agreement between the City of Zion and Clinton Auto Auction for the disposition of surplus vehicles. The vote on roll call was: Commissioners McDowell, aye; DeTienne, aye; Frierson, aye; and Mayor Hill, aye. Motion carried. Ordinance passed.

### **WAIVER OF CONSOLIDATION/ZION ETSB**

A memo (16-DOC-57) was received from Chief Lewis requesting permission to submit a Consolidation Waiver Request for the Zion ETSB (Emergency Telephone System Board). He stated that, pursuant to the Emergency Telephone System Act (ETSA) a Public Service Answering Point (PSAP) and or ETSB serving a population less than 25,000 as identified by the 2010 census must consolidate with another PSAP to form a service area meeting the 25,000 threshold. He stated that each 911 authority required to consolidate must file a consolidation plan by July 1, 2016 with an effective date of July 1, 2017. Chief Lewis stated that the City of Zion and its E-911 authority fall under Category 2 which is "consolidation of either paper ETSBs or multiple ETSBs resulting in the creation of a Joint ETSB and consolidation of individual PSAPs". He stated that as an ETSB, the City has been evaluating several options which have included talks with Winthrop Harbor and Gurnee. At the present time, it appears that the Village of Gurnee offers the City the best option for consolidation. He stated that, due to the aggressive timeline involved in submitting a plan, the City has not had enough time to fully evaluate all of its options. He stated that, although the City has had several talks with the Village of Gurnee, a final proposal has not been submitted for review by Gurnee. Chief Lewis stated that the final proposal will take some time as both Zion and Gurnee must evaluate their financials, infrastructure, current and future intergovernmental agreements and subscriber agreements, and personnel needs. This process is in place and the City's due diligence is being done. He stated that the Village of Gurnee has expressed a desire for a mutually beneficial outcome. Chief Lewis stated that there is an option to submit a Waiver for Consolidation based on three categories: Public Safety, Economically Unreasonable or Technically Infeasible. After submission of a plan or waiver, a State hearing board will determine the status of the document submitted. He stated that, although he does not feel the City would meet the guidelines for a permanent waiver, with Council approval, he would like to submit the proposed Waiver for Consolidation in which the Zion ETSB requests a 6-month extension to fully review its options and make a decision that is best for the City of Zion. Commissioner McDowell asked if the City has met with Winthrop Harbor regarding consolidation. Chief Lewis stated that they have, however, consolidating with Winthrop Harbor is not as attractive as merging with Gurnee. Commissioner Frierson asked if Gurnee is actively working on a plan. Chief Lewis stated that they are but they need funding information from Director Knabel in order to proceed in the planning process. Mayor Hill asked if a cost and a loss/gain of services analysis will be covered at some point. Chief Lewis stated that this information would be covered in the final reports.

It was moved by Commissioner McDowell, seconded by Commissioner DeTienne to grant permission to submit the Consolidation Waiver Request for Zion ETSB as presented by Chief Lewis on behalf of the Zion ETSB (Emergency Telephone System Board). The vote on roll call was: Commissioners McDowell, aye; DeTienne, aye; Frierson, aye; and Mayor Hill, aye. Motion carried.

### **RULES & REGULATIONS/LAKE MOUND CEMETERY**

A memo (16-DOC-58) was received from Clerk Burkemper requesting that the Council consider adopting rules and regulations for Lake Mound Cemetery. She stated that Illinois State Statute (225 ILCS 411/) "Cemetery Oversight Act", Section 225 ILCS 411/10-23, "Code of Professional Conduct and Ethics", states that licensed cemetery authorities shall "have clear and specific cemetery rules and regulations, subject to other applicable law, including this Act, and shall apply them equally to all families served." She stated that the City took ownership of the Lake Mound Cemetery from the Lake Mound Cemetery Association in 2005, and to her knowledge, no cemetery rules and regulations were ever created or adopted by the Association. Clerk Burkemper stated that, following a study of the State of Illinois Cemetery Oversight Act, the Disposition of Remains Act, the Cemetery Care Act, a publication entitled "Laws Governing Illinois Cemeteries", and the Lake County Cemetery Care Act, rules and regulations for the Lake Mound Cemetery were drafted. She stated that she also took into consideration when drafting this document the existing rules and regulations of five Illinois municipal cemeteries with characteristics similar to Lake Mound, those being Pontiac, Jacksonville, Deerfield, Taylorville and Elgin. Clerk Burkemper stated that the Lake Mound Cemetery Board reviewed and recommended approval of the rules and regulations draft at their annual meeting held on October 15, 2015. She stated that over the course of the past six months, forms were created to assist with the management of the cemetery which were appended to the rules and regulations. She stated that these forms were reviewed by the City Attorney. Clerk Burkemper requested that the Council consider adopting the Lake Mound Cemetery Rules and Regulations as presented.

It was moved by Commissioner McDowell, seconded by Commissioner Frierson to adopt the Lake Mound Cemetery Rules and Regulations as presented. The vote on roll call was: Commissioners McDowell, aye; DeTienne, aye; Frierson, aye; and Mayor Hill, aye. Motion carried.

### **ONE-TIME REVENUE POLICY**

Mayor Hill stated that the City Council and staff have actively sought alternate revenue sources, some of which will be "one-time" revenue. He recommended that the City Council develop a policy to determine how one-time revenue should be spent. Commissioner McDowell suggested using one-time revenue 1) to pay down bond debt which is paid from the General Fund, 2) to build up cash reserves, and 3) to complete one-time projects that have no additional costs attached. Commissioner Frierson suggested using one-time revenue to 1) repair streets, 2) address water infrastructure needs, and 3) create a housing incentive program. Mayor Hill asked Director Colangelo to describe the matching grant time frame. Director Colangelo stated that it can take six months to process applications for funds and probably a year before funds are available to spend. He stated that multiple applications can be submitted as there are several lettings per year. Commissioner McDowell suggested that more than one use could be identified and a percentage could be assigned to each use, then when one-time revenue is received, the funds would be divided among those uses based on the percentage allotted to each use.

### **CITY OF ZION/ZION TOWNSHIP/CONSOLIDATION STUDY**

Mayor Hill stated that he and Township Supervisor Neal have been meeting with Benton Township officials and others for the purpose of discussing the possibility of conducting a third party analysis on four scenarios for the future of Zion Township: 1) remain the same, 2) merge with Benton Township, 3) merge with the City of Zion, or 4) eliminate the Township. He stated that it has been recommended that University of Chicago Harris School conduct the study. He stated that Supervisor Neal has prepared an application for submission to Harris Policy Labs to perform the analysis. Mayor Hill stated that students would conduct a cost and services study detailing the fiscal and services impact that the consolidation or elimination of the Township would have on taxpayers of the City and Township. He stated that the study would address the financial advantages and disadvantages of all four scenarios, as well as identify potential services to residents that could be lost or gained through the various scenarios, and the impact on the community. He stated that students would also conduct other related analysis such as inventorying all activities of and services provided by the General Assistance Program and the Township Assessor and make determinations about the cost and benefits of delivering them through another entity such as the City of Zion or Benton Township. Mayor Hill stated that all involved government entities are committed to ensuring that Zion

taxpayers receive at least the status quo level of services. He stated that the students will need to determine what departmental and capacity changes will be required to achieve this under the various scenarios in order to inform both the government entities and the general public. Mayor Hill stated that any decision other than to remain the same must be approved by referendum as decided by the voters. He stated that he understands that Chicago Harris School is a good mechanism for completing this study and he believes they will do a good job and provide accurate results.

It was moved by Commissioner Frierson, seconded by Commissioner McDowell to proceed with the study to be performed by Harris Policy Labs regarding the four scenarios for Zion Township as presented. The vote on roll call was: Commissioners McDowell, aye; DeTienne, aye; Frierson, aye; and Mayor Hill, aye. Motion carried.

**DEPARTMENTAL COMMENTARY**

Director Colangelo stated that bid packets have been prepared for the removal of dead ash trees. He stated that the specifications were prepared in four segments; a base bid and three alternate bids. He stated that removing the maximum number of trees at once would help eliminate the safety hazard and a better price could be had with bulk removal. He stated that the City could remove some or all of the trees with one-time revenue over the next three years. He stated that a very aggressive plan is needed. Some of the trees have already been removed by Street Department staff or ComEd. Director Colangelo stated that he expects to have bid results in early August.

Director Colangelo read an email from the Illinois Department of Transportation (IDOT) which was a directive to cease all construction activities on State let projects. IDOT’s appropriation for their Fiscal Year 2016 will expire on June 30, 2016, and without an appropriation for Fiscal Year 2017 which begins on July 1, they cannot continue to pay contractors. Director Colangelo stated that this directive instructs local agencies to take any actions necessary to secure work zones for an indefinite period of time. He stated that this directive will leave projects half completed but the Public Works Department will keep construction areas safe.

**ANNOUNCEMENTS**

July 4		City Offices Closed for Holiday
July 5	7:00 p.m.	Zion City Council Meeting
July 19	6:30 p.m. 7:00 p.m.	Town Board Meeting Zion City Council Meeting

**CLOSED SESSION**

It was moved by Commissioner Frierson, seconded by Commissioner McDowell that the Council recess to Closed Session at 8:16 p.m., pursuant to 5 ILCS 120/2 “Open Meetings”, for the discussion of pending litigation. The vote on roll call was: Commissioners McDowell, aye; DeTienne, aye; Frierson, aye; and Mayor Hill, aye. Motion carried.

It was moved by Commissioner DeTienne, seconded by Commissioner McDowell to reconvene the Regular Council meeting at 9:04 p.m. with all members present. The vote on roll call was: Commissioners McDowell, aye; DeTienne, aye; Frierson, aye; and Mayor Hill, aye. Motion carried.

**ADJOURN**

There being no further business to come before the Council at this time, it was moved by Commissioner Frierson, seconded by Commissioner DeTienne and unanimously approved the meeting be adjourned at 9:04 p.m. Motion carried.

---

City Clerk

Approved July 5, 2016