

MINUTES OF A REGULAR MEETING OF THE ZION CITY COUNCIL HELD ON TUESDAY, AUGUST 7, 2018, AT 7:00 P.M. IN THE CITY COUNCIL CHAMBERS, CITY HALL, 2828 SHERIDAN ROAD, ZION, ILLINOIS

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Mayor Hill called the meeting to order.

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

Also present: Fire/Rescue Chief John Lewis, Police Chief Steve Dumyahn, City Administrator David Knabel, Public Works Director Ray Roberts, Building & Zoning Director Richard Ianson and City Attorney Paula Randall.

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

AGENDA CHANGES

It was moved by Commissioner McDowell, seconded by Commissioner McKinney to accept the City Council meeting agenda as presented. The vote on roll call was: Commissioners McKinney, McDowell, aye; aye; DeTienne, aye; Fischer, aye; and Mayor Hill, aye. Motion carried.

CITIZEN COMMENTS

Joe Roth, Illinois Association of Realtors and Main Street Association of Realtors, stated he would like to state the Associations opposition to the home-rule proposal they will be considering. Illinois realtors are the only advocate for private property rights at the State Capitol in Springfield and Villages and City Halls across the State. He stated they have first-hand experience with the unintended consequences of home-rule. While he appreciates the budgetary challenges the City faces, they believe home-rule presents too much of a risk to be a viable solution. He stated the City will be taking the authority that currently is reserved with the voters that would give not only this Councils but future Councils the authority to create new rules and impose more taxes and fees that could limit private property rights. This would have a negative impact on property owners. He feels the Council could come to a resolution on the budgetary issues by providing a more explicit tax levy to the voters other than home-rule.

Kathy Champine, Zion, stated she is speaking on behalf of both resolutions on the Council agenda for approval. She stated she is in favor of the resolution to support the enforcement of environmental regulations relating to the Foxconn/upstream development. She is also in favor of the home-rule resolution. She has been to the budget meetings and knows how hard the Council has worked to balance the budget. If the resolution is passed, she would like the City to send out a flyer explaining the advantages of home-rule. Home-rule is not all about taxation. It will give the City more flexibility to make rules that are holding them back now. She thanked the Council for being proactive and bringing up the idea of home-rule.

Terry Romero, Zion, stated she has issues with the flooding on her property. She has been here for 15 years and has been dealing with the flooding for 13 of those years. She is paying more and more taxes and gets nothing for it. Tax money needs to go back into the tax payers pockets. Zion offers her nothing to keep her here. She would like to move out of Zion. The problem needs to be addressed and taken care of. She does not care that the City cannot balance their budget. She stated it was a big mistake merging with Gurnee for dispatch. There are issues with parking on the street. They used to be able to park on the street. When residents call dispatch to allow them to park on the street, Gurnee is not communicating this to Zion police and they are getting tickets.

Doug Ower, Zion, stated he supports the resolution regarding the enforcement of environmental regulations related to the Foxconn/upstream development and urges the Council to pass the resolution.

Denise Lear, Zion, stated she has lived here 53 years. Her main concern is the housing issue in Zion. She is a renter. She would like to know if the owners of the apartments are notified when the police are called. She is a senior citizen living in a building with a lot of Section 8 people. There are no regulations on the people when they move in. Many senior citizens feel threatened. Property values are going down, and nobody is doing inspections on the properties. Mayor Hill stated within the last three years the City has enacted two ordinances. One is for rental properties inspections of which the City did 4,000 inspections last year. If the property does not pass the inspection they are cited and are required to comply or get fined. Unfortunately when people get fined, they ignore the fines and don't pay.

Being non home-rule, the City does not have the ability to go after the renters and enforce the fines. Ms. Lear asked why the property, landlord and tenant cannot be inspected. Mayor Hill stated all landlords were notified to attend the vacant property meeting but very few attended in support. Properties are deteriorating and there are many out of town landlords that do not feel the same way about Zion as homeowners do. The City is also doing nuisance abatement whereas if three police calls are made to the same address in 180 days the occupancy permit will be pulled. There are specific offenses that are included and excluded in this program.

Carla King, Zion, stated she also has issues with the flooding. She cannot insure her property for flooding because she is not in a flood zone. She questioned if the City has investigated the possibility of getting federal money from FEMA. Mayor Hill stated he saw a FEMA grant program that was available to provide relief prior to flooding. He has forwarded the information to Administrator Knabel. Ms. King stated they need to get moving on this. She stated a few years ago she had to remove the siding from her home and lost some valuable items in the recent flood. It is the fourth time it has flooded since she has lived here. She is now acquiring black mold which cause health issues. The City cannot ignore this issue. She is going to stay in touch with the City on their progress. She needs answers and wants action.

Mick Jacobsen, Zion Benton Library Director, was introduced by the Library Board President. Mr. Jacobsen stated he was happy to be in the Zion Community and would like to help out any way he can.

Mike Putwen, Zion, stated he lives next door to Martinez Auto Repair on Route 173 and Gideon Avenue. He stated the property looks like a junk yard. The fence is coming down, there are campers parked in the parking lot and it looks terrible. Mayor Hill asked him to contact Director Ianson in the Building Department about the property.

Amanda/James Routt, Zion, stated they have issues with the flooding. They live in the four corners of the alley that has one manhole. They have lost a \$40,000 motorcycle. The water was waste deep and they tried getting the manhole cover off. Mr. Routt's father worked for the City of Zion years ago. He asked what has happened to the Street Department. They used to clean the streets. He wants to know where the manpower is. He travels for work and doesn't have time to help clean up the streets. They have one manhole and it gets clogged easily by debris and then fills up the alley then fill up their garage then the neighbor's garage. Mayor Hill stated the manpower is gone as they have been laid off. The City is 14 police officers short and 7 public works workers short. There is a large budget deficit. They have tried to hold the position of not raising property taxes. He asked them to look at their tax bill. The City is only 12% of the bill. When taxes are going up it is not because of the City. He suggested looking closely at the bill and trace where their taxes are going, it is not the City but rather other taxing bodies. He understands the streets are in bad shape and hears the voices loud and clear. The City will do everything they can with the resources they have.

Bobby Williams, Zion stated he and the neighbor went out during the flood and picked up the manhole cover. Once they did the water went down. There was garbage and leaves everywhere. He is not working and willing to help with the clean-up.

Reverend Marie Bryant, stated she is the Pastor of Thomas Memorial African Methodist Church. She stated there is not enough lighting on the streets of Zion. It is so dark no one can see what is going on. If lighting was better maybe people would see better when things happen. There is a need for more cameras because there is too much crime and nobody knows anything about what is actually going on. There have been shootings and killings. Mayor Hill stated the Police Department tries to get citizen participation in helping with identifying who is involved in the crimes but no one will talk. The City is doing everything they can to keep crime down. The victims will not cooperate with the police. The City will try and work with the police to get more cameras and Public Works to get more lighting. The City is aware of the issues but it takes everyone to help with the problems. Reverend Bryant stated blue light cameras are very effective. She prays the City will get things together and work things out. Zion has always been a peaceful place. Commissioner McDowell stated there are cameras in the business district and the police do monitor them. Commissioner McKinney stated as he listens to the citizen comments he agrees with Mayor Hill that it is really critical that citizens speak up when they see something. He understands people are afraid and don't want to get involved but the 2% of the negative people that are impacting lives will take over. There are more good people in Zion than bad. The issues are not created by the City and people must make the time and effort to come forward and talk with the appropriate departments about their issues so they can try and fix them. This past weekend there was a City clean-up day. Some of the issues on streets are people dropping things in the drains and don't pick them up. People in their own communities should police their own neighborhoods and clean up their areas instead of always calling Public Works.

In order to keep areas from flooding, when a resident finds a plastic bottle or some garbage take the time to pick it up and throw it away. He asked the community for help by chipping in to make the City look better. He understands there are issues and they are looking at trying to solve the issues. Reverend Bryant asked if the City could use community service personnel to help clean up. Mayor Hill stated the City gets about 20,000 hours a year from community service workers. They must be supervised at all times.

CONSENT AGENDA

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

- (a) **APPROVAL OF MINUTES:** of a Regular Meeting held on July 17, 2018 at 7:00 p.m.
- (b) **BILLS:** Vouchers 129795 through 129922 drawn on Huntington National Bank, N.A.,
Total: \$1,351,764.27

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

RESOLUTION/SUPPORT OF ENVIORNMENTAL REGULATIONS/FOXCONN DEVELOPMENT

It was moved by Commissioner Fischer, seconded by Commissioner DeTienne, that a Resolution (18-R-19) be passed to support enforcement of environmental regulations related to the Foxconn/Upstream Development to be located within the headwaters of the Des Plaines River. The vote on roll call was: Commissioners McKinney, aye; McDowell, aye; DeTienne, aye; Fischer, aye; and Mayor Hill, aye. Motion carried. Resolution passed.

RESOLUTION/REFERENDUM/HOME RULE

Mayor Hill stated the City attorney has prepared a Resolution and supporting documents calling for a referendum to determine whether the City should be a home rule unit of government. Commissioner McDowell stated the Council has previously discussed limiting the home-rule authority not to increase property taxes. He stated in the memo from Scott Puma, he indicates the Council could not limit home-rule powers. Mr. Puma suggests passing another resolution stating they will not use home-rule powers to raise property taxes. However, they must be aware that either the current Council or any future Council could vote to repeal the resolution and then increase property taxes. Mayor Hill provided a question and answer statement regarding the definition of home-rule and its benefits. He stated it will be up to the citizens of Zion if Zion becomes home-rule. Commissioner Fischer stated he read a report of a study a Professor did regarding home-rule in Illinois. Home-rule communities were not outside the range of average property taxes. He stated if elected officials in Municipalities want to get re-elected they usually don't decide to raise property taxes. Commissioner McDowell stated any increase in property taxes affects everyone, including the Council. If the resolution is passed the Council will put the referendum on the ballot. He stated they have talked about an increase in sales tax. He asked if they want to present the question to the public. Attorney Randall stated the resolution must be presented as it is written. Mayor Hill stated if the resolution is passed, there will be community meetings. Commissioner McDowell asked if the question for home-rule and a sales tax increase could be put on the same ballot. Attorney Randall stated August 20, 2018 is the last day to file referendum paperwork. If the home-rule referendum fails, they can put the sales tax increase on the April ballot. Administrator Knabel stated both surrounding communities (Winthrop Harbor and Beach Park) are also going for a home-rule referendum. The communities are having some of the same issues as Zion.

It was moved by Commissioner Fischer, seconded by Commissioner McKinney, that a Resolution (18-R-20) be passed providing and requiring the submission of the proposition of whether the City of Zion, Lake County, Illinois, shall become a home rule unit to the voters of said City at the General Election to be held on the 6th day of November, 2018. The vote on roll call was: Commissioners McKinney, aye; McDowell, aye; DeTienne, aye; Fischer, aye; and Mayor Hill, aye. Motion carried. Resolution passed.

ORDINANCE/VARIANCE/ZION BENTON TOWSHIP HIGH SCHOOL, DISTRICT #126

It was moved by Commissioner McKinney, seconded by Commissioner Fischer, that an Ordinance (18-O-30) be passed granting a variance from the maximum permitted height of 35 ft. not to exceed 60 ft. for a theater for the Performing Arts for Zion Benton Township High School, District #126 located at 3901 W. 21st Street. The vote on roll call was: Commissioners McKinney, aye; McDowell, aye; DeTienne, aye; Fischer, aye; and Mayor Hill, aye. Motion carried. Ordinance passed.

ORDINANCE/AGREEMENT/FIRE RECOVERY SERVICES

A memo (18-DOC-56) was received by Chief Lewis regarding an agreement between the City of Zion and Fire Recovery USA, LLC for business of performing billing services in connection with Special Rescue Services and Technical Rescue Services provided by the Zion Fire and Rescue Department.

It was moved by Commissioner McDowell, seconded by Commissioner McKinney, that an Ordinance (18-O-31) be passed authorizing execution of an agreement by and between the City of Zion and Fire Recovery USA, LLC for billing services in connection with the motor vehicle incidents and other emergency incidents. The vote on roll call was: Commissioners McKinney, aye; McDowell, aye; DeTienne, aye; Fischer, aye; and Mayor Hill, aye. Motion carried. Ordinance passed.

TRUCK DUMP BODY REPLACEMENT/PUBLIC WORKS

A memo (18-DOC-57) was received by Director Roberts regarding quotes to replace the dump body for the 2003 International Truck in the Public Works Department. The dump body of the truck is in disrepair and needs to be replaced. The truck is essential for Public Works snow plowing and salting operations. Director Roberts is requesting the Council approve and accept the lowest responsible proposal from Northshore Truck & Equipment Company in the amount of \$10,500.00. The funding for this item is from the General Fund and was factored into this year's budget.

It was moved by Commissioner Fischer, seconded by Commissioner McKinney, to accept the proposal from Northshore Truck & Equipment Company in the amount of \$10,500.00 for replacement of a dump body for a 2003 International Truck in the Public Works Department. The vote on roll call was: Commissioners McKinney, aye; McDowell, aye; DeTienne, aye; Fischer, aye; and Mayor Hill, aye. Motion carried.

ENGINEERING SERVICES/ IL ROUTE 173 AND 20TH STREET DRAINAGE ANALYSIS

A memo (18-DOC-58) was received by Director Roberts requesting approval to execute an agreement with Christopher Burke Engineering. He stated a proposal was received to perform professional engineering services for the Illinois Route 173 and 20th Street Drainage Analysis in the amount of \$33,000.00. He stated in the last five to ten years residents within this area have experienced multiple flooding events. The study will provide the City with an analysis of the existing drainage system to determine the cause of flooding and develop a short term and long term drainage improvement alternatives to reduce the risk of future flooding. Additionally, they will research for any possible alternative funding for potential flooding solutions. Funding for the project would come from the water fund.

It was moved by Commissioner Fischer, seconded by Commissioner McKinney, to approve the execution of an agreement with Christopher Burke Engineering for professional engineering services for the Illinois Route 173 and 20th Street Drainage Analysis. The vote on roll call was: Commissioners McKinney, aye; McDowell, aye; DeTienne, aye; Fischer, aye; and Mayor Hill, aye. Motion carried.

RESIDENT AMBULANCE BILLING/NON-EMERGENCY SPECIAL SERVICE FEE

A memo (18-DOC-59) was received by Chief Lewis regarding revisions to the Zion Municipal Code Section 34-16, Ambulance Charges. He stated the cost of supporting EMS services has gradually increased over the years. The cost of meeting Federal, State, and local mandates coupled with the increased training requirements, rising costs of ambulances and equipment as well as supplies has put a strain on the operating budget. The current ordinance places

the burden of cost on non-residents as well as the insurance carrier for residents. Currently residents are not billed for the balance not covered by Medicare, Medicaid or insurance. Additionally, Fire/Rescue regularly responds to non-emergency services such as invalid assists and these are fees are not currently recouped although an ambulance is taken out of service. In order to maintain the level of EMS services currently provided the City is in need of additional revenue sources. Chief Lewis recommends two revisions to the current ordinance on ambulance charges.

Resident Billing for Ambulance Charges

The fees for ambulance treat/transport and treatment/no transport are in line with many departments in Northern Illinois based on an annual billing survey conducted by the Naperville Fire Department. According to the billing vendor, Andres Medical Billing (AMB) the City's rates are at a level in which insurance companies will most likely pay out based on usual and customary service rates. In an effort to reduce the strain on operating costs, a revised ordinance will allow AMB to seek reimbursement from residents utilizing ambulance services in the same manner as they do for non-residents. Chief Lewis stated he had AMB look at the billed and received amounts for calendar year 2017. AMB proposed that by balance billing the City could have brought in an additional \$76,000 through AMB and an additional \$10,000 from a collection agency for a total of \$86,000 in additional billing revenue.

Mayor Hill asked how much Medicare, Medicaid and private insurance reimburse for ambulance services. Chief Lewis stated for Medicare and Medicaid - \$300 plus \$5.00 for mileage is reimbursed and private insurance usually pays all. Mayor Hill stated residents are not billed for ambulance services and Medicare and Medicaid are not billed. Chief Lewis stated residents were billed in the past but if they did not pay they were not penalized or sent to collections. Mayor Hill stated he appreciates the effort for revenue but he will vote against the resident billing for ambulance charges. Commissioner McDowell asked if there could be a compromise. He stated there were 4,300 calls last year and about 80% of them were EMS calls. He stated a fair amount of the calls could have been treated at a walk in clinic. These calls take time and manpower. He asked about the possibility of charging after one call per resident. Chief Lewis stated that could become a tracking issue. Commissioner McDowell stated this is another source of revenue. Home-rule may alleviate the budget woes. He suggested bringing this item back again after the referendum. Mayor Hill stated if the City is unable to provide funding all services will get a lot shorter. They will have one year to cover the deficit. If they cannot address it, he agreed to bring this item back for discussion. Chief Lewis stated he does not agree with every fee charged but in order to maintain equipment and services it becomes necessary to charge additional fees. Many communities are doing it.

It was moved by Commissioner McDowell, seconded by Commissioner McKinney to approve resident billing for ambulance charges. The vote on roll call was: Commissioners McKinney, aye; McDowell, nay; DeTienne, nay; Fischer, nay; and Mayor Hill, nay. Motion failed.

Non-Emergency Special Service Fee

Due to the increasing number of "invalid assist" (special service) calls for non-emergency service, as well as its misuse by a limited number of residents who have resisted addressing their in-home healthcare issues, the fire department is proposing implementing a special service fee for these types of calls after the third incident within any twelve month period. Over the years the fire department has seen an increase in responses to provide invalid assistance. While most calls for an invalid assist are typically only one or two requests from individuals, other residents have used the fire department multiple times in lieu of obtaining appropriate home health care.

Mayor Hill asked how they will administer the special service fee. Chief Lewis stated they have software that will run a report and keep a tally on each address. Mayor Hill suggested providing documentation to a resident on the second call out to explain the policy so they may be made aware what could happen.

It was moved by Commissioner McDowell, seconded by Commissioner DeTienne, to amend Zion Municipal Code Section 34-16, Ambulance Charges, approving a non-emergency special service (invalid assists) fee and that an ordinance be prepared accordingly. The vote on roll call was: Commissioners McKinney, aye; McDowell, aye; DeTienne, aye; Fischer, aye; and Mayor Hill, aye. Motion carried.

BUDGET/FISCAL YEAR 2018/2019

Administrator Knabel stated the consideration for approval is for the General Fund budget only. Other funds will be approved at the next meeting. The only change is on page 2 which shows a transfer from the water and sewer fund.

This will cover funds until May 1, 2019 while the Council comes up with a plan to address the deficit going forward. He stated the hope is a home-rule referendum will pass. Mayor Hill stated they must insure that the money is paid back the water fund. They will pass resolution providing for a repayment schedule. Commissioner McDowell asked at what point they would need to take other actions if the referendum does not pass. Administrator Knabel stated the City will run out of money by January, they would not last until the April ballot without any action taken. Mayor Hill stated he has placed emphasis on medical marijuana and nuclear spent fuel rods but they have not come through yet. There is no guarantee that home-rule or a sales tax increase will pass. They must make adjustments to balance the budget. The reason they are borrowing from the water fund is because there is no interest. He does not want to issue bonds for operating expenses. This deficit is not the current Council's fault. Previous Councils made bad decisions and the current Council is trying to fix it.

Commissioner DeTienne left the meeting at 8:18 p.m.

It was moved by Commissioner Fischer, seconded by Commissioner McKinney, to approve the General Fund Budget for Fiscal Year May 1, 2018 through April 30, 2018. The vote on roll call was: Commissioners McKinney, aye; McDowell, aye; DeTienne, no vote; Fischer, aye; and Mayor Hill, aye. Motion carried.

ANNOUNCEMENTS

August 21	6:15 p.m. 7:00 p.m.	Zion Township Board Meeting Zion City Council Meeting
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Commissioner McDowell stated they have tried to address the citizen's comments related to the kennel. They discussed the concerns and have scheduled a work day at the kennel on Saturday from 9:00 am to 1:00 pm. They are going to paint and clean up the area. He is pleased the issues were resolved favorably and appreciates everyone working together.

CLOSED SESSION

It was moved by Commissioner McKinney, seconded by Commissioner Fischer that the Council recess to Closed Session at 8:30 p.m., pursuant to 5 ILCS 120/2 "Open Meetings", for the discussion of pending litigation and collective bargaining. The vote on roll call was: Commissioners McKinney, aye; McDowell, aye; DeTienne, absent Fischer, aye; and Mayor Hill, aye. Motion carried.

It was moved by Commissioner Fischer, seconded by Commissioner McDowell to reconvene the Regular Council meeting at 8:52 p.m. with all members present. The vote on roll call was: Commissioners McKinney, aye; McDowell, aye; DeTienne, aye; Fischer, 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 McDowell, seconded by Commissioner DeTienne, and unanimously approved the meeting be adjourned at 8:53 p.m. Motion carried.

City Clerk

Approved August 21, 2018