

MINUTES OF A REGULAR MEETING OF THE ZION CITY COUNCIL HELD ON TUESDAY, MAY 19, 2020, AT 7:00 P.M. IN THE CITY COUNCIL CHAMBERS, CITY HALL, 2828 SHERIDAN ROAD, ZION, ILLINOIS

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Mayor McKinney called the meeting to order.

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

Also present: Public Works Director Ray Roberts, City Administrator David Knabel, and Building/Zoning Director Richard Ianson. Attorney Vaselli was also present. Chief Lewis and Chief Henderson were absent.

Mr. William Bremner led in the Pledge of Allegiance to the flag.

AGENDA CHANGES

It was moved by Commissioner McDowell, seconded by Commissioner Frierson to accept the Council agenda as presented.

The vote on roll call was: Commissioners Fischer, aye; McDowell, aye; Frierson, aye; Holmes, aye; and Mayor McKinney, aye. Motion carried.

CITIZEN COMMENTS

Kathy Champine, Zion, stated her comment is about Civil Disobedience. She stated one of the greatest acts of Civil Disobedience in recent times is Rosa Parks refusing to relinquish her seat on the bus. She stated on April 30th Governor Pritzker extended the “Stay at Home” executive order. This order relaxed previous restrictions on State Parks, Golf Courses and Drive-In Theaters allowing them to open with limitations. Drive-in Church Services are also permitted with limitations. This was not the case in March, none of the mentioned were allowed, yet on social media several religious organizations posted photos of a Drive-In Church. Currently at least one church is holding these in-house services. In March it was stated on social media that Christ Community Church had consulted at least one Commissioner and several Health Officials regarding their drive-in services. Ms. Champine asked if Commissioner McDowell was the Commissioner consulted. Commissioner McDowell stated he was not consulted. Ms. Champine asked the remaining Commissioners if they were consulted and none had been consulted. She stated no Commissioner has the power to overrule the Mayor or the Governor; that would be considered an abuse of power. She stated if Commissioner McDowell told the Church, which is an organization he derives income from it was ok to hold services it would have been a conflict of interest. The executive order was enacted to protect the residents of Illinois from a Pandemic. Ignoring this order potentially puts the health and possibly the lives of City residents at risk. She state that is dereliction of duty. She stated he took an oath to support the Constitution of the United States, the Constitution of the State of Illinois and to enforce the laws of the City of Zion so help you God and he broke his word. Abuse of power, conflict of interest, dereliction of duty, and a broken promise. She stated he was elected to represent all citizens of Zion, not just those belonging to his church. She hopes he can do that in the future. She stated right now it appears he cannot serve two masters.

Ken Langley, Pastor, Christ Community Church stated he would agree that Commissioner McDowell took an oath to uphold the oath of the Constitution of the United States but the first amendment guarantees the right to practice religion without government interference. The argument can be made that Commissioner McDowell in his activities as a Pastor is doing what he promised to do; upholding a century long tradition of religious liberties. There is a medical doctor on their Church Board who agreed with the rest of the church’s leadership that they would cheerfully, willingly hunker down at the beginning when the Governor and national leaders urged everyone for the sake of their neighbors to flatten the curve. The doctor has concluded that the curve has been flattened and that the same neighbor-love motivation that led the church to close their building now leads them to open up. People need people and need their Church. It isn’t out of arrogance or selfishness that they are seriously considering holding public services again it is out of love for God and Neighbor. He believes Commissioner McDowell like the rest of the Church’s leadership has tried to be very respectful of government. If they open up they will be practicing social distancing and will have protocols in place to keep people safe.

Mayor McKinney stated there have been some questions about City Hall being closed. City Hall is not closed. The building is not open to the general public. He keeps in touch with the IML who oversees the 1300 Cities in Illinois. The IML has recommended that all communities comply with the Governor's orders. They must follow the guidelines mandated by the Governor. They would like to get back to normal and understands it is hard on businesses but they must protect the citizens as well as the employees.

CONSENT AGENDA

It was moved by Commissioner Fischer, seconded by Commissioner Holmes that the Minutes be approved as follows:

- (a) **APPROVAL OF MINUTES:** a Special Meeting held April 30, 2020 at 4:00 p.m.; and approval but not release of Closed Session Minutes of a meeting held on April 30, 2020 at 5:58 p.m.

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

It was moved by Commissioner Fischer, seconded by Commissioner Holmes that the Bills be approved as follows:

- (b) **BILLS:** Vouchers 134951 through 135054 drawn on Huntington National Bank, N.A. Total: \$510,825.00.

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

ORDINANCE/NINTH ADDENDUM TO LEASE AGREEMENT/MARTHA'S NURSERY & LEARNING CENER/1225 27TH STREET

It was moved by Commissioner Holmes, seconded by Commissioner McDowell, that an Ordinance (20-O-19) be passed entering into a ninth addendum to the lease agreement for 1225 27th Street for use by the daycare facility for outdoor activities between Martha's Nursery & Learning Center and the City of Zion. The vote on roll call was: Commissioners Fischer, aye; McDowell, aye; Frierson, aye; Holmes, aye; and Mayor McKinney, aye. Motion carried. Ordinance passed.

ORDINANCE/VARIANCE/CENTRAL BUSINESS DISTRICT PERMITTED USE/ 2621 ELIM/1022 27TH STREET

A memo (20-DOC-28) was received from Director Ianson requesting a variance from Section 102-206(b)(2) of the Zion Municipal Code to allow use of the property at 2621 Elim Avenue (also known as 1022 27th Street) as a single-family use in the Central Business Zoning District as petitioned by Terry Upton, Zoning Docket 20-Z-6. The Planning/Zoning Commission recommended approval. Director Ianson stated Mr. Upton was granted a variance in 2015 to continue the use, but due to a personal matter he was unable to commence the use and variance became invalid.

It was moved by Commissioner Holmes, seconded by Commissioner Fischer that an Ordinance (20-O-20) be passed granting a variance from Section 102-206(b)(2) of the Zion Municipal Code to allow use of the property at 2621 Elim Avenue (also known as 1022 27th Street) as a single-family use in the Central Business Zoning District. The vote on roll call was: Commissioners Fischer, aye; McDowell, aye; Frierson, aye; Holmes, aye; and Mayor McKinney, aye. Motion carried.

**ORDINANCE/VARIANCE/DRIVEWAY INSTALLATION IN FRONT YARD/
2621 ELIM/1022 27TH STREET**

A memo (20-DOC-29) was received from Director Ianson requesting a variance from Section 102-202(2) of the Zion Municipal Code to allow installation of a driveway in the front yard of the property at 2621 Elim Avenue (also known as 1022 27th Street) as petitioned by Terry Upton, Zoning Docket 20-Z-7. The Planning/Zoning Commission recommended approval. He stated that currently the building does not have alley access and would require parking in the front. Mr. Upton was granted a variance in 2015, but due to a personal matter was unable to proceed with the installation of the driveway and the variance became invalid.

It was moved by Commissioner Holmes, seconded by Commissioner Fischer that an Ordinance (20-O-21) be passed granting a variance from Section 102-202(2) of the Zion Municipal Code to allow installation of a driveway in the front yard of the property at 2621 Elim Avenue (also known as 1022 27th Street). The vote on roll call was: Commissioners Fischer, aye; McDowell, aye; Frierson, aye; Holmes, aye; and Mayor McKinney, aye. Motion carried.

TABULATION OF BIDS/ANNUAL FUEL, BITUMINOUS & CONSTRUCTION MATERIALS

A Tabulation of Bids (20-DOC-30) was received from Director Roberts regarding the annual purchase of fuel, bituminous and construction materials for the 2020/21 fiscal year. Director Roberts recommended awarding contracts to the lowest responsible and responsive bidders as follows:

Al Warren	Summer Diesel, Winter Blend, 5 W 30 Dexos, Automatic Transmission Fluid, 5 W 20 Full Synthetic Motor Oil, All Purpose Hydraulic Fluid, Universal Anti-Freeze Concentrate, 75 W 140 Synthetic Gear Lube, All Purpose Grease, Diesel Exhaust Fluid D.E.F.
PetroChoice	SAE #5 W 40 Full Synthetic Diesel Motor Oil
Feece	2 Cycle Oil
Thelen	Pulverized Top Soil, TB Sand Backfill, Seal Coat Aggregate, ¾ inch chips
Peter Baker & Son's	Cold Patch, Hot Mix Surface, Hot Mix Binder, UPM Cold Patch
Kirschhoffer Trucking	#7 Road Gravel, #8 Wash Stone, CA-6 Crushed White Limestone
No bids received	Emulsified Asphalt

It was moved by Commissioner McDowell, seconded by Commissioner Fischer to award contracts for various fuels, bituminous and construction materials, as recommended. The vote on roll call was Commissioners Fischer, aye; McDowell, aye; Frierson, aye; Holmes, aye; and Mayor McKinney, aye. Motion carried.

TABULATION OF BIDS/2020 HMA SURFACE REMOVAL/REPLACEMENT PROGRAM

A Tabulation of Bids (20-DOC-31) was received from Director Roberts regarding the 2020 HMA Surface Removal and Replacement Program. He recommended awarding the project to the lowest responsible, responsive bidder Chicagoland Paving Contractors, Inc., Lake Zurich, Illinois, in the amount of \$156,000.00. Funds for this project will come from the MFT Fund.

It was moved by Commissioner McDowell, seconded by Commissioner Fischer to award the contract for the 2020 HMA Surface Removal and Replacement Program to Chicagoland Paving Contractors, Inc., Lake Zurich, Illinois, in the amount of \$156,000.00. The vote on roll call was: Commissioners Fischer, aye; McDowell, aye; Frierson, aye; Holmes, aye; and Mayor McKinney, aye. Motion carried.

2020 WATER MAIN REPLACEMENT PROJECT/ENGINEERING SERVICES

A memo (20-DOC-32) was received from Director Roberts recommending approval of a proposal from Christopher Burke Engineering for engineering services for the 2020 Water Main Replacement Project. He stated that the location of the project is within the alley west of Sheridan Road between 21st Street and 23rd Street. The existing water main was installed in 1928 and has been experiencing multiple breaks. He recommends approving the proposal for engineering services from Christopher Burke Engineering for a cost of \$69,900.00 and to advertise for bids. The contract is for the 2020/2021 fiscal year and will be a budgeted item in the Water Fund.

It was moved by Commissioner McDowell, seconded by Commissioner Fischer to approve the proposal for engineering services from Christopher Burke Engineering in the amount of \$69,900.00 and to advertise for bids upon completion of the bid documents and drawings. The vote on roll call was: Commissioners Fischer, aye; McDowell, aye; Frierson, aye; Holmes, aye; and Mayor McKinney, aye. Motion carried.

INSTALLMENT AGREEMENT/MUNICIPAL FUNDING SOLUTIONS, LLC

Administrator Knabel stated at a prior meeting the Council approved entering into a Finance Agreement with either Motorola or Municipal Funding Solutions, LLC based on quotes not to exceed an interest rate of 4% or an amount of \$350,000 for the Starcom radios. He stated 80% of the costs of the radios will be reimbursed through E-911 funds. The terms of the agreement with the terms includes an interest rate of 3.55% for \$337,363. He is recommending approval of the Finance Agreement as presented.

It was moved by Commissioner Frierson, seconded by Commissioner Fischer to approve entering into an Installment Agreement with Municipal Funding Solutions, LLC for the financing of Starcom radios as presented. The vote on roll call was: Commissioners Fischer, aye; McDowell, aye; Frierson, aye; Holmes, aye; and Mayor McKinney, aye. Motion carried.

APPOINTMENT OF DEPARTMENT HEADS/CITY OFFICIALS

Mayor McKinney presented and recommended appointments for Department Heads and City Officials.

It was moved by Commissioner Fischer, seconded by Commissioner Holmes to appoint Department Heads and City Officials from May 1, 2020 through April 30, 2021 as follows:

Del Galdo Law Group, LLC 1441 S. Harlem Avenue Berwyn, IL 60402	City and Prosecuting Attorneys
Sheryl Spooner	City Clerk
Kirk Henderson	Police Chief
John Lewis	Fire/Rescue Chief
Ray Roberts	Director of Public Works & Engineering
Rich Ianson	Director of Building, Zoning & Public Property
David Knabel	Director of Accounts & Finance
Mary Lou Hiltibran	ESDA Field Director
Rob Litner	Assistant ESDA Field Director
Eric Bradley	City Treasurer

The vote on roll call was: Commissioners Fischer, aye; McDowell, aye; Frierson, aye; Holmes, aye; and Mayor McKinney, aye. Motion carried.

LIQUOR LICENSE RENEWALS

Administrator Knabel stated that Zion liquor licenses will be expiring on June 30th. He is proposing an extension of the licenses until September 30th for those businesses that have been affected by COVID-19 and have not been able to open or sell liquor. Once those businesses are cleared to open, the license fees will be pro-rated based on the amount of months they will be operating. He will put the item on the June 16th meeting for official Council approval. Commissioner McDowell asked if he has spoken with the business owners. Administrator Knabel stated he wanted to get Council approval before approaching the businesses.

BUDGET/FISCAL YEAR 2020/2021

Administrator Knabel stated at the April 30th Council meeting there was a lengthy discussion regarding the 2020/2021 budget. Part of the discussion was to look at the options available in order to pass a balanced budget. He is recommended borrowing money to fill the gap in order to keep moving forward. He stated he was able to find an additional \$250,000 in cuts from the budget since the last meeting. An individual is retiring in the Police Department and Chief Henderson was able to restructure shifts so they would not have to replace the officer. They have reduced the overtime budget in the Police Department as they are now fully staffed. There has also been \$10,000 in concessions in the Building Department. The Retail Strategies fee has been refigured to split the costs between the TIF Fund and the General Fund. The goal continues to be to look at alternate revenue sources. They will continue to push for funds from the Hero's Act and the Cares Act from the COVID-19 funds along with and the Nuclear Stranded Act. The hope is also that the Census will produce positive results. Although they will continue to try and chip away at the \$1.8 million deficit he would like to approve the budget as presented. He stated they are also looking into adding additional Liquor License classifications to open up more opportunities for additional licenses. Any increase in revenue or reduction in spending will help reduce the amount of the deficit. Commissioner Fischer asked Administrator Knabel if he has reached out to Walmart regarding the pledged sales tax rebate. Administrator Knabel stated they have between 18-20 months left on the rebate agreement. He is currently in discussions with Walmart to extend the terms of the agreement. Instead of paying \$250,000 this year, the extension would allow a reduced payment of \$125,000. This will allow the City to be able to continue with its operations. Commissioner Frierson asked if approval of the budget means approval of all wage increases. Administrator Knabel stated the budget is just a guideline and the Council would be taking action at a later date on individual wage increases.

Mayor McKinney stated a meeting was held between himself, Commissioner McDowell and the Department Heads and felt it was productive. He was reluctant to have a meeting without all Commissioners present as he wants to be sure the Council remains transparent. Currently, there are a few budget-saving measures in the works. He stated staff has made a great impact during these difficult times. The Lake County Government has received a large number of funds to help out the municipalities. He has sent a letter to the County asking for consideration for Zion to receive some of those funds. He has received responses from local Officials indicating that they are trying to help get funds for the City of Zion.

It was moved by Commissioner Fischer, seconded by Commissioner Holmes to approve the Budget for Fiscal year 2020/21 as presented. The vote on roll call was: Commissioners Fischer, aye; McDowell, aye; Frierson, aye; Holmes, aye; and Mayor McKinney, aye. Motion carried.

DEPARTMENTAL COMMENTARY

Director Ianson stated he has had questions on how to dispose of branches with the yard waste program. He stated they must be bundled not more than four (4) feet in length, eighteen (18) in diameter, and weighing not more than fifty (50) pounds each. Branches are not to be more than 2 inches in diameter per branch. Information is available on the website.

Director Roberts stated he received a bulletin from Lake County Storm Water Management indicating that Lake County has received between 6-9 inches of rain in the last four days. The Des Plaines River should crest at the end of the week.

The City has received an extra \$268,000 a year in MFT funds to go towards roads. The City will receive an estimated \$1.6 million to the normal MFT funds over the next few years.

Administrator Knabel reminded residents that after the current crisis subsides, the stay on water shut-offs and fines will end. Individuals are still responsible for paying their bills. Currently there is no timeline for reinstating shut-offs but they will be done using a “phased in” approach. Residents should be aware that charges are still compounding and amounts owed are not forgiven. He asked residents to consider contacting the Zion Township for resources for help with paying their bills. If eligible for payment options, residents can spread out the payments over time. He encouraged them to approach the situation early.

Mayor McKinney encouraged those who are having financial difficulty to contact the City now to make arrangements and not after the matter has already gone to collections. Residents can call 211 to guide them to the help they need. He also suggested residents go to the City’s Facebook page for more information on programs that are available. The State has awarded the United Way funds to help the City of Zion.

Pastor Ken Fielding stated that his church has often helped people in the past.

Mayor McKinney stated he is happy to see people helping one another. In a crisis people rally together and but often times when the crisis subsides people go back to the old way.

Commissioner Fischer reminded the public they should be aware of what asymptomatic means; a person producing or showing NO symptoms of a disease. He stated the problem with COVID-19 is that people can carry the virus and not have symptoms. He encouraged citizens to wear a mask and keep gatherings under 10 people.

ANNOUNCEMENTS

May 25		City Offices Closed for the Holiday
June 2	7:00 p.m.	Zion City Council Meeting (Tentative)
June 16	6:15 p.m. 7:00 p.m.	Zion Township Board Meeting Zion City Council Meeting

CLOSED SESSION

It was moved by Commissioner Fischer, seconded by Commissioner McDowell that the Council recess to Closed Session at 7:54 p.m., pursuant to 5 ILCS 120/2 “Open Meetings”, for the discussion of collective bargaining. The vote on roll call was: Commissioners Fischer, aye; McDowell, aye; Frierson, aye; Holmes, aye; and Mayor McKinney, aye. Motion carried.

It was moved by Commissioner McDowell, seconded by Commissioner Fischer to reconvene the Regular Council meeting at 8:01 p.m. with all members present. The vote on roll call was: Commissioners Fischer, aye; McDowell, aye; Frierson, aye; Holmes, aye; and Mayor McKinney, aye. Motion carried.

MEMORANDUM OF UNDERSTANDING/ZION PROFESSIONAL FIREFIGHTERS ASSOCIATION LOCAL 1999

It was moved by Commissioner Frierson, seconded by Commissioner Fischer to approve a Memorandum of Understanding between the Zion Professional Firefighters Association Local 1999 and the City of Zion. The vote on roll call was: Commissioners Fischer, aye; McDowell, aye; Frierson, aye; Holmes, aye; and Mayor McKinney, aye. Motion carried.

**MEMORANDUM OF UNDERSTANDING/IUOE LOCAL 150/PUBLIC EMPLOYEES DIVISION
UNION/BUILDING DEPARTMENT**

It was moved by Commissioner Holmes, seconded by Commissioner Frierson to approve a Memorandum of Understanding between the IUOE Local 150, Public Employee Division Union for Building Department employees and the City of Zion. The vote on roll call was: Commissioners Fischer, aye; McDowell, aye; Frierson, aye; Holmes, aye; and Mayor McKinney, aye. Motion carried.

ADJOURN

There being no further business to come before the Council at this time, it was moved by Commissioner Fischer, seconded by Commissioner Holmes and unanimously approved the meeting be adjourned at 8:05 p.m. Motion carried.

City Clerk