

Council Minutes

OCTOBER 16, 2001

MINUTES OF A REGULAR MEETING OF THE ZION CITY COUNCIL
HELD ON TUESDAY, OCTOBER 16, 2001, AT 7:02 P.M. IN THE CITY
COUNCIL CHAMBERS, CITY HALL, ZION, ILLINOIS

Mayor Harrison called the meeting to order.

On call of the roll the following answered present: Commissioners Rogers, DeTienne, Taylor, Bennett and Mayor Harrison. Mayor Harrison led in the Pledge of Allegiance to the Flag.

AGENDA CHANGES

It was moved by Commissioner Bennett, seconded by Commissioner Taylor to accept the Council agenda with amendments as follows: - Adding payments to Consent Agenda, item 5.d, for Ancel, Glink, Diamond, Bush, DiCianni & Rolek, P.C., legal services, \$1,192.50, \$5,769.39, \$763.50, \$2,762.50, \$910.00, \$564.20, \$6,425.00, \$607.50, \$67.50, \$1,080.00, \$236.25, \$65.42, \$337.50, Total: \$20,781.26 - Removing approval of Minutes of a Regular Meeting and Executive Session held on October 2, 2001 at 7:00 p.m. from the Consent Agenda to a separate item prior to the Consent Agenda for voting purposes - Adding the discussion of personnel and probable and pending litigation to Closed Session, item 12. - Deleting to consider façade grant reimbursement request, item 9.o. The vote on roll call was: Commissioners Rogers, aye; DeTienne, aye; Taylor, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried.

OCTOBER 2, 2001 MINUTES

It was moved by Commissioner Bennett, seconded by Commissioner Rogers to approve the Minutes of a Regular Meeting and Executive Session held on October 2, 2001 at 7:00 P.M. The vote on roll call was: Commissioners Rogers, aye; DeTienne, aye; Taylor, pass; Bennett, aye; and Mayor Harrison, aye. Motion carried.

CONSENT AGENDA

It was moved by Commissioner Bennett, seconded by Commissioner Taylor that the Consent Agenda be approved as follows: (a) MINUTES of a Workshop/Special Meeting held on October 4, 2001 at 4:11 P.M., and a Special Meeting and Executive Session held on October 9, 2001 at 6:02 P.M., with all members having previously received copies. (b) DEPARTMENTAL REPORTS: Building Department Monthly Report,

September, 2001; Fire/Rescue Department Monthly Report, September, 2001 (c) BILLS: Vouchers 77666 through 77807 drawn on the National City Bank, \$704,126.13: First Midwest Bank, \$6,488.00: Bridgeview Bank, \$4,348.91: Total: \$714,963.04 10/16/01 (d) PAYMENTS: Business Districts, Inc., professional services rendered on Downtown Redevelopment Project, \$2,123.50 & \$2,362.50; Total: \$4,486.00; New World Systems, computer equipment, \$10,042.00, \$19,960.00, \$1,179.47; Total: \$31,181.47; Brad's Printing, printing of Fall 2001 City Newsletter, \$2,900.00; T. Wallace Blacktopping, driveway repairs, \$1,295.00; McClure Engineering Associates, Inc., \$6,740.81 & \$3,670.93; Total: \$10,411.74; Ancel, Glink, Diamond, Bush, DiCianni & Rolek, P.C., legal services, \$1,192.50, \$5,769.39, \$763.50, \$2,762.50, \$910.00, \$564.20, \$6,425.00, \$607.50, \$67.50, \$1,080.00, \$236.25, \$65.42, \$337.50, Total: \$20,781.26 (e) PROCLAMATIONS: Winthrop Harbor Lions Club Candy Days - October 12 & 13, 2001; Declaring gratitude for heroic efforts of and sympathy for the tragic losses of the rescue workers in New York City and Washington D.C. and to lend support to President George W. Bush and the United States military forces engaged in "Operation: Infinite Justice" (f) RECEIVE & PLACE ON FILE: Onyx Zion Landfill Audit - July, 2000 to June, 2001 The vote on roll call was: Commissioners Rogers, aye; DeTienne, aye; Taylor, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried.

CITIZEN COMMENTS

Jim Howard questioned the involvement of Belli & Kenny, L.L.C. and Business Energy Advisors regarding the SkyGen power plant. Mayor Harrison stated Belli & Kenny, L.L.C. was only involved in one facet of this project. Attorney Rolek stated no agreement was ever formed with Business Energy Advisors.

Jim Booth stated Zion exceeded their water allocation for 2000 and 2001. Mr. Booth recommended the City request an increase in the water allocation, as well as checking into available technology to help eliminate bacteria. Mayor Harrison stated the procedure has been started to increase the allocation, and a filtration system is also being researched.

Ahumachi Harrah requested the City reconsider demolishing the home at 2112 Emmaus, allowing her husband and her to purchase the home. Commissioner Rogers stated the City has attempted for 2 years to restore this home, and substantial repairs are needed. John Jones stated he would meet with the Harrahs regarding the possible options, while proceeding with advertising for demolition.

Bob Burt stated a Zion & Benton Republican fundraiser would be held on October 20 at Northpoint Marina.

Alice Marshall stated complaints regarding Council procedures and actions, and requested a copy of the Host Agreement. Sandy deBruyn and

Verena Owen voiced their support of the Onyx Zion Landfill proposal to operate an electric power generating facility on the site, which would generate electricity for many homes.

Barbara Amendola questioned why there had been no open forums regarding the SkyGen power plant. Mayor Harrison stated an open forum was held at Central Junior High School. This site was selected to accommodate more people than City Hall, however very few people attended. Ms. Amendola voiced her opposition to the power plant. Attorney Rolek stated the negotiators worked hard to get assurances and guarantees.

Toni Larsen noted concerns regarding the limits of the property protection guarantee, and requested a copy of the Host Agreement.

Tom Gesell voiced opposition to the location of the peaker power plant.

George Pavelich voiced his opposition to the length of the October 9 executive session.

A petition was presented from the residents east of the Applebees Restaurant, requesting the alley in the 2000 block of Sheridan Road be made one-way with speed bumps. Brian Usher and Chief Malcolm will look into this request.

Mildred Corder stated no one from Zion ever contacted Newport Township officials regarding the power plant. Mayor Harrison stated he had contacted the Newport Fire Chief.

NORTH SHORE SANITARY DISTRICT/PUBLIC HEARING

It was moved by Commissioner Taylor, seconded by Commissioner Bennett that a Resolution (01-R-21) be passed setting the time and place for a public hearing on the proposed annexation agreement with the North Shore Sanitary District, which will be conducted on Tuesday, November 6, 2001 at 6:00 P.M. at Zion City Hall, 2828 Sheridan Road, Zion, Illinois. The vote on roll call was: Commissioners Rogers, aye; DeTienne, aye; Taylor, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried. Resolution passed.

AMENDING PERSONNEL AUTHORIZATION

It was moved by Commissioner DeTienne, seconded by Commissioner Bennett that a Resolution (01-R-22) be passed amending the Personnel Authorization, creating and adding the position of Director of Finance, approving the job description, and authorizing posting and advertising for this position. The vote on roll call was: Commissioners Rogers, aye; DeTienne, aye; Taylor, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried. Resolution passed.

SALE OF SURPLUS CITY PROPERTY

Commissioner Rogers requested this issue be reintroduced, so a Council vote could be taken. It was moved by Commissioner Taylor, seconded by Commissioner Rogers that the equipment located in the bowling alley property owned by the City not be declared as surplus personal property. The vote on roll call was: Commissioners Rogers, aye; DeTienne, aye; Taylor, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried.

NO PARKING/HORIZON COURT

A memo (01-DOC-133) was received from Chief Malcolm, recommending the installation of "No Parking" signs on Horizon Court. Requests for these signs have been received from Yonke & Soper Excavating, S & D Development and Bull's Eye Boring to discourage parking along the narrow roadway. The roadway is 28 feet wide, and parked vehicles create a problem for delivery and emergency vehicles. It was moved by Commissioner DeTienne, seconded by Commissioner Taylor to approve the installation of "No Parking" signs on Horizon Court, as requested. The vote on roll call was: Commissioners Rogers, aye; DeTienne, aye; Taylor, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried.

NORTH SHORE SANITARY DISTRICT PRESENTATION

A letter (01-DOC-134) was received from James Swarthout, President of the North Shore Sanitary District, regarding a proposed sludge processing facility. Brian Jensen, General Manager of North Shore Sanitary District, said they have been working on an alternate method of sludge disposal in an effort to close the Newport Township landfill. It is proposed to build a processing plant in Waukegan, as 37% of the District's sludge comes from Waukegan and would not have to be trucked off site. The sludge would be turned into a glass aggregate, which is a usable construction material. The facility would turn 187 tons of sludge, which is disposed of daily, into 7.5 tons of the glass aggregate. In this process, the material will create a minor source of air emissions. John Paxton stated their Board unanimously supports the project and has requested Zion's support. Mr. Paxton requested the City pass a resolution supporting the project, as well as attend their next Board meeting on October 24 at 7:00 p.m. at the Gurnee Village Hall. It was moved by Commissioner Taylor, seconded by Commissioner Bennett that a Resolution (01-R-23) be passed supporting the North Shore Sanitary District's sludge disposal project and the location of the facility in Waukegan. The vote on roll call was: Commissioners Rogers, aye; DeTienne, aye; Taylor, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried. Resolution passed.

MEMORIAL UNITED METHODIST CHURCH/FIRE ALARM PERMIT FEES

A request was received from Memorial United Methodist Church to waive permit fees for fire alarm work being done at the church. No representative was present, therefore no action was taken on this item.

JUBILEE DAYS FESTIVAL BOARD

Mayor Harrison recommended appointing Chief Dave LaBelle as the City's representative on the Jubilee Days Festival, Inc. Board. It was moved by Commissioner DeTienne, seconded by Commissioner Bennett to approve the appointment of Chief David LaBelle as the City's representative on the Jubilee Days Festival, Inc. Board. The vote on roll call was: Commissioners Rogers, aye; DeTienne, aye; Taylor, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried.

INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE CONFERENCE

A memo (01-DOC-135) was received from Chief Malcolm, requesting permission for Deputy Chief Booth and him to attend the International Association of Chiefs of Police Conference. This conference will be held on October 27-31, 2001 in Toronto, Canada. It was moved by Commissioner DeTienne, seconded by Commissioner Bennett to grant permission for Chief Malcolm and Deputy Chief Booth to attend the International Association of Chiefs of Police Conference on October 27-31, 2001. The vote on roll call was: Commissioners Rogers, aye; DeTienne, aye; Taylor, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried.

POLICE SERGEANT

A memo (01-DOC-136) was received from Chief Malcolm, requesting permission to permanently appoint Terry Richards to the rank of Sergeant. Terry Richards has been temporarily filling this position, and the Fire and Police Commission recommend Officer Richards for the rank of Sergeant. This appointment will replace Sergeant David Bose, who is retiring effective October 19. It was moved by Commissioner DeTienne, seconded by Commissioner Bennett to authorize the permanent appointment of Terry Richards to the rank of Sergeant. The vote on roll call was: Commissioners Rogers, aye; DeTienne, aye; Taylor, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried.

2820 EZEKIEL AVE. DEMOLITION

A memo (01-DOC-137) was received from John Jones, requesting permission to advertise for bids for the demolition of 2820 Ezekiel Avenue. It was moved by Commissioner Taylor, seconded by Commissioner Rogers to grant permission to advertise for bids for the demolition of 2820 Ezekiel Avenue. The vote on roll call was: Commissioners Rogers, aye;

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

2112 EMMAUS AVE. DEMOLITION

A memo (01-DOC-138) was received from John Jones, requesting permission to advertise for bids for the demolition of 2112 Emmaus Avenue. Mr. Jones noted he will also be meeting with the residents, who have shown an interest in rehabilitating this property. It was moved by Commissioner Rogers, seconded by Commissioner Taylor to grant permission to advertise for bids for the demolition of 2112 Emmaus Avenue. The vote on roll call was: Commissioners Rogers, aye; DeTienne, aye; Taylor, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried.

TAB OF BIDS/COMPUTER EQUIPMENT/FIRE/RESCUE & POLICE DEPT.

A Tabulation of Bids (01-DOC-139) was received from Chief LaBelle, regarding the purchase of various computer equipment for the Fire/Rescue and Police Departments. Chief LaBelle recommended awarding contracts to the lowest responsive and responsible bidders as follows: · 10 desktop computers (5 for Fire/Rescue & 5 for Police) from Dell Marketing for a total of \$15,950.00 · 3 laptop computers (all for Fire/Rescue) from CDW Government, Inc. for a total of \$6,213.00 · 1 color laser printer (for Fire/Rescue) from CDW Government, Inc. for \$1,790.00 · 9 personal laser printers (4 for Fire/Rescue & 5 for Police) from Logic Approach for a total of \$3,384.00 · 1 plotter/printer (for Fire/Rescue) from Inacomp Computer for \$3,475.00 It was moved by Commissioner DeTienne, seconded by Commissioner Rogers to award contracts for the purchase of various computer equipment for the Fire/Rescue and Police Departments, as recommended. The vote on roll call was: Commissioners Rogers, aye; DeTienne, aye; Taylor, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried.

SHERIDAN ROAD STREETScape PROJECT

A memo (01-DOC-140) was received from Brian Usher, regarding the engineering services for the Sheridan Road Streetscape Project. Baxter & Woodman Consulting Engineers has provided a description of services and fees for the engineering and design of this 2-year project. Mr. Usher recommended entering into an agreement with Baxter & Woodman in an amount not to exceed \$809,000 for these services. Mayor Harrison stated these services would involve Sheridan Road between 29th Street and Shiloh Blvd, City parking lots, and the alley west of Sheridan Road between 26th Street and 28th Street. Mayor Harrison stated this project coincides with the business façade program. Financing is being pursued, possibly utilizing TIF revenue. Peter Cioni stated the TIF Review Board has reviewed this plan and recommended starting the engineering, while investigating TIF funding. Mr. Usher stated the anticipated project

schedule would allow for completion of the Sheridan Road phase by the end of August 2002. The alley and parking lots phases could be completed by the end of August 2003. It was moved by Commissioner Taylor, seconded by Commissioner DeTienne to approve entering into an engineering agreement with Baxter & Woodman Consulting Engineers for the Sheridan Road Streetscape Project in an amount not to exceed \$809,000, authorizing Commissioner Bennett and Attorney Rolek to proceed with bond counsel, all of which is subject to confirmation to extend the TIF. The vote on roll call was: Commissioners Rogers, aye; DeTienne, aye; Taylor, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried.

ONYX ZION LANDFILL AGREEMENT

Jim Lewis, Site Superintendent of Onyx Zion Landfill, stated Onyx is proposing to construct a power generating facility on its landfill property that would be fueled primarily by the landfill gas. Onyx wishes to contract with a company to construct and operate this facility, whereby Onyx would receive revenue. Onyx would share the revenue derived from this operation with the City. Per a proposal from Onyx, should Onyx receive \$50,000 or greater per year, Onyx would pay the City \$50,000 after the end of that calendar year. For any amount less than \$50,000 received per year, Onyx would pay the City the actual total amount received. This process would generate electricity for 4,000 to 5,000 homes. Mayor Harrison questioned the possibility of applying an escalator to the amount the City receives, as Onyx produces more revenue. Mr. Lewis stated Onyx feels the financial conditions of this agreement are ample. Attorney Rolek questioned the possibility of a cost of living increase. Mr. Lewis stated he did not have the authority to approve such an increase. Commissioner Rogers questioned if any variances would be needed. Attorney Rolek stated only regular building permits would be needed. Commissioner Taylor questioned a section of the agreement, stating that the facility would be fueled primarily by landfill gas. Mr. Lewis stated a small percentage of natural gas may be added if necessary, noting the gas in the landfill is very rich. It was moved by Commissioner Taylor, seconded by Commissioner Rogers to approve an agreement with Onyx Zion Landfill, Inc., authorizing the construction and operation of a power generating facility, whereby revenue received by Onyx for landfill gas collection would be shared with the City of Zion. The vote on roll call was: Commissioners Rogers, aye; DeTienne, aye; Taylor, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried.

WATER MAIN REPLACEMENT/23RD ST. & 27TH ST.

A memo (01-DOC-141) was received from Brian Usher regarding water main replacements on 23rd Street and 27th Street. Mr. Usher stated there are two options for this project: · replacement of the water main and corresponding restoration with engineering costs of \$71,000, or · total reconstruction of the road sections with engineering and construction

costs of \$124,000. Mr. Usher recommended entering into an agreement with Baxter & Woodman Consulting Engineers for the water main and street reconstruction at a cost not to exceed \$124,000. Commissioner Bennett questioned how this project would be financed. Mr. Usher stated financing would be possible through bonds and future MFT funds. Commissioner Taylor recommended moving ahead with bonding as previously discussed. It was moved by Commissioner Taylor, seconded by Commissioner Rogers to approve entering into an agreement with Baxter & Woodman Consulting Engineers for the water main and street reconstruction on 23rd Street and 27th Street at a cost not to exceed \$124,000. The vote on roll call was: Commissioners Rogers, aye; DeTienne, aye; Taylor, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried.

CACKOVIC SUBDIVISION

A memo (01-DOC-142) was received from Brian Usher regarding the Cackovic Subdivision. The developer has completed the required work, and has requested exchanging the letter of credit for a maintenance bond. The maintenance bond would be in the amount of \$14,500.00. Mr. Usher recommended releasing the letter of credit upon receipt of a two-year maintenance bond effective October 1, 2001 in the amount of \$14,500. It was moved by Commissioner Taylor, seconded by Commissioner Bennett to approve releasing the letter of credit for the Cackovic Subdivision upon receipt of a two-year maintenance bond effective October 1, 2001 in the amount of \$14,500. The vote on roll call was: Commissioners Rogers, aye; DeTienne, aye; Taylor, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried.

TAB OF BIDS/SALE OF DUMP TRUCK

A Tabulation of Bids (01-DOC-143) was received from Brian Usher, regarding the sale of the 1989 Ford one-ton dump truck. Mr. Usher recommended awarding the contract to the highest responsible and responsive bidder, Groff Equipment and Auction Company, in the amount of \$1,258.00. It was moved by Commissioner Bennett, seconded by Commissioner DeTienne to award the contract for the sale of the 1989 Ford one-ton dump truck to Groff Equipment and Auction Company in the amount of \$1,258.00. The vote on roll call was: Commissioners Rogers, aye; DeTienne, aye; Taylor, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried.

TAB OF BIDS/HAULING OF DEBRIS & MATERIALS

A Tabulation of Bids (01-DOC-144) was received from Brian Usher, regarding the hauling of debris and materials. Mr. Usher recommended awarding the contract to the sole responsible and responsive bidder, Rocks-Ann, Inc, in the amount of \$65.00 per hour for the truck and driver. It was moved by Commissioner Taylor, seconded by Commissioner

Bennett to award the contract for the hauling of debris and materials to Rocks-Ann, Inc. in the amount of \$65.00 per hour for the truck and driver, subject to the City Attorney's preparation of the contract. The vote on roll call was: Commissioners Rogers, aye; DeTienne, aye; Taylor, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried.

LAKE COUNTY CDBG PROGRAM

A memo (01-DOC-145) was received from Peter Cioni, requesting the adoption of a resolution to allow submittal of a grant request to the 2002 Lake County CDBG Program. This request of \$120,000 would be for completion of drainage improvements in the Lydia Avenue/Matthew Place area. The total cost of the project is estimated at \$150,000, with the City's share to be \$30,000. Brian Usher stated the property owner has not responded to his request for a meeting regarding either access or acquiring property for the drainage project. Commissioner Bennett stated this project needs to be completed by spring. Mr. Cioni stated CDBG funds would not be available until May 2002, and the project can't be started prior to approval. Commissioner Bennett stated \$400,000 has been budgeted for this project, suggesting the City pursue CDBG funds for another project. It was noted the Fire/Rescue Department needs to become ADA accessible, a project that would cost \$25,000. It was moved by Commissioner DeTienne, seconded by Commissioner Taylor that a Resolution (01-R-24) be passed authorizing City staff to submit a grant application of \$25,000 for the 2002 Lake County Community Development Block Grant Program in order for the Fire/Rescue Department to be in compliance with ADA accessibility requirements. The vote on roll call was: Commissioners Rogers, aye; DeTienne, aye; Taylor, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried. Resolution passed.

UNIMPROVED ALLEY VACATION/2020 SHERIDAN ROAD

A memo (01-DOC-146) was received from Peter Cioni, regarding the unimproved alley vacation at 2020 Sheridan Road. 7-Eleven has submitted building plans that would have the building encroaching 4 feet into the easement. It has been determined this encroachment would not impact the maintenance of the utilities. It was moved by Commissioner Taylor, seconded by Commissioner Rogers that an Ordinance (01-0-44) be passed repealing Ordinance No. 01-0-22, amending the vacation of an unimproved alley in Block 58 in Frederick H. Bartlett's Sheridan-Lake View Properties Second Addition, City of Zion, Lake County, Illinois, reserving the west 15 feet of the vacated alley as a utility easement, subject to the City Attorney's approval. The vote on roll call was: Commissioners Rogers, aye; DeTienne, aye; Taylor, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried. Ordinance passed.

WATER SYSTEM SURVEY

A memo (01-DOC-147) was received from Brian Usher, requesting permission to advertise for bids for a system-wide water main leak detection survey. It is anticipated the survey can be completed for no more than \$14,500, which would survey all 100 miles of water main.

Commissioner Bennett stated there are other problems with the water system, which are more costly, and this survey would not directly affect water loss. Mr. Usher stated meters are also being replaced, and the internal charges are being addressed. It was moved by Commissioner Taylor, seconded by Commissioner Rogers to grant permission to advertise for bids for a system-wide water main leak detection survey, while also continuing to pursue updating water meters and the billing system. The vote on roll call was: Commissioners Rogers, aye; DeTienne, aye; Taylor, aye; Bennett, nay; and Mayor Harrison, aye. Motion carried.

ANY OTHER MATTERS

A workshop will be held on October 29, 2001 at 4:00 P.M. for the purpose of discussing the water rate study.

Inspirational thoughts were given for Jerry Zoepfel and his family.

ANNOUNCEMENTS

October 28 Trick or Treat in Zion Mayor's Safe
Halloween Walk

November
6 City Council Meeting

CLOSED SESSION

It was moved by Commissioner DeTienne, seconded by Commissioner Taylor that the Council recess to Closed Session at 9:59 p.m. to discuss collective bargaining, personnel, and probable and pending litigation. The vote on roll call was: Commissioners Rogers, nay; DeTienne, aye; Taylor, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried.

It was moved by Commissioner Bennett, seconded by Commissioner Taylor to reconvene the Regular Council meeting at 11:21 p.m. with all members present. The vote on roll call was: Commissioners Rogers, aye; DeTienne, aye; Taylor, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried.

ADJOURN

There being no further business to come before the Council at this time, it was moved by Commissioner Rogers, seconded by Commissioner Taylor and unanimously approved the meeting be adjourned at 11:21 p.m. Motion carried.

