

Council Minutes

OCTOBER 23, 2001

MINUTES OF A SPECIAL MEETING OF THE ZION CITY COUNCIL
HELD ON TUESDAY, OCTOBER 23, 2001, AT 4:18 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 Taylor, Bennett, Rogers, and Mayor Harrison. Commissioner DeTienne was absent. City Attorney Bob Rolek, Community Development Director Peter Cioni, Building & Zoning Director John Jones, and Public Works Director Brian Usher were also present.

ZION ENERGY LLC/CALPINE PERMITS

On behalf of the Predevelopment Committee, John Jones, Director of Building and Zoning, presented a memo outlining the permit fees for the Zion Energy Center Project. Mr. Jones stated that Kenny Construction and Mr. Condo, Calpine's attorney, are currently aware of the permit fees.

Attorney Rolek stated that the key to this negotiated fees structure is to insure that ample funds are available to cover the costs of outside consultants' fees incurred by the City of Zion during the Calpine project. Per Mr. Rolek, the predevelopment committee's fees memo is an informational report only and no action by the Council is necessary.

Commissioner Bennett asked if any notices to the public had been published that would affect the permits. Attorney Rolek stated that a text change amendment was published as an item on the Zoning & Planning Commission's meeting agenda scheduled for November 8th, however, that text change amendment would not affect the permits. He also noted that the Commission will also address the possibility of drafting a Special Use Permit ordinance regarding power plants.

Commissioner Bennett asked if complete plans were "in house". John Jones stated that all required plans have been received and are currently being reviewed. It was noted that in order for permits to be issued, the City must be in receipt of the following; 1) the first installment of \$500,000, 2) all guarantees, 3) certificate of insurance, and 4) payment of the grading fee.

Commissioner Rogers stated that it was her understanding, regarding the City Ordinance that restricts fuel tank storage to 20,000 gallons, that

Calpine had 14 days to comply or make the City aware of their intent to apply for a variance. She stated that her preference was that Calpine apply for a variance. Attorney Rolek stated it was his understanding that it was the consensus of the Council that it was an "either/or" situation where that portion of the ordinance re: fuel tanks could be vacated or Calpine could apply for a variance. Commissioner Taylor stated that two legal opinions state that the fuel tank ordinance does not apply to the Calpine project. He further stated that he views Calpine as exempt from the ordinance, however, it would be his preference that the ordinance stand for future projects. It was noted by Attorney Rolek that Calpine has a signed agreement and it is the consensus of the Council that no variance is required.

It was moved by Commissioner Bennett, seconded by Commissioner Taylor that, because an amendment was not done in a timely manner and because the fact is supported by legal opinions, the City Ordinance restricting fuel tank storage to 20,000 gallons does not apply to Calpine, and that instructions should be forwarded to City Staff accordingly. The vote on roll call was: Commissioners Taylor, aye; Bennett, aye; Rogers, nay; and Mayor Harrison, aye. Motion carried.

It was the consensus of the Council that the ordinance regarding fuel tank storage should be rewritten at some time in the future, however, there is no urgent need. Discussion of the text amendment issue at the November 8th meeting of the Zoning and Planning Commission meeting is no longer necessary.

ADJOURN

There being no further business to come before the Council at this time, it was moved by Commissioner Taylor, seconded by Commissioner Bennett and unanimously approved the meeting be adjourned at 5:05 p.m. Motion carried.