

# Council Minutes

**April 2, 2002**

MINUTES OF A REGULAR MEETING OF THE ZION CITY COUNCIL  
HELD ON TUESDAY, APRIL 2, 2002, AT 7:00 P.M. IN THE CITY  
COUNCIL CHAMBERS, CITY HALL, ZION, ILLINOIS

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Mayor Harrison called the meeting to order.

On call of the roll the following answered present: Commissioners Rogers, Taylor, DeTienne, Bennett and Mayor Harrison.

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

## **AGENDA CHANGES**

It was moved by Commissioner Taylor, seconded by Commissioner Rogers to accept the Council agenda with amendments as follows: Adding to consider request from Township for grant for Student Work Program, item 9.I. The vote on roll call was: Commissioners Rogers, aye; Taylor, aye; DeTienne, aye; 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 Regular Meeting and Closed Session held on March 19, 2002 at 7:00 P.M., with all members having previously received copies.

(b) DEPARTMENTAL REPORTS: City Clerk's Monthly Report, March, 2002; Police Department Reports, January, 2002

(c) BILLS: Vouchers 79199 through 79315 drawn on the National City Bank, \$524,553.83; First Midwest Bank, \$73,390.92; Bridgeview Bank, \$2,000.00; Total: \$599,944.75

(d) PAYMENTS: Ancel, Glink, Diamond, Bush, DiCianni & Rolek, P.C., legal services, \$13,250.00, \$385.30, \$67.50, \$120.00, \$348.50, \$105.00, \$2,205.88, \$438.75, \$1,190.00, \$1,681.05, \$1,417.50; Total: \$21,209.48; Business Districts, Inc., services rendered on Downtown Redevelopment Program, \$7,366.77; Belli & Kenny, L.L.C., economic development consultant services rendered, \$10,971.92; Illini Power Products, emergency generator maintenance, \$608.00

(e) PROCLAMATIONS: National Asthma Awareness Day - April 6, 2002; Fair Housing Month - April, 2002; International Building Safety Week - April 7-13, 2002

(f) RECEIVE & PLACE ON FILE: Zion Fire/Rescue Department Annual Report 2001

The vote on roll call was: Commissioners Rogers, aye; Taylor, aye; DeTienne, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried.

### **CITIZEN COMMENTS**

Jim Howard questioned amending the Host Agreement with Zion Energy. Mayor Harrison stated this item would be explained during consideration of the resolution. Mr. Howard also questioned the States Attorneys' findings of the October 9 Council meeting. Attorney Rolek stated information has already been released per the States Attorney. Mr. Howard also questioned whether or not the City was involved in a lawsuit with Newport Township. Attorney Rolek stated the case was with the Village of Wadsworth, and the court found in Zion's favor, so Wadsworth has since appealed this decision. Mr. Howard also questioned the payment to Belli & Kenny LLC. Mayor Harrison stated this invoice was for completion of a traffic study.

Carolyn Muse questioned whether or not a berm would still be constructed between the Calpine power plant and her property. Mayor Harrison stated a berm would be constructed.

Joanna and David Sims stated complaints against their homebuilder. Commissioner Rogers stated a meeting was held with the builder, and items of concern would be discussed at a future meeting with the builder and City staff. Mayor Harrison stated that since the homeowners still are under a one-year warranty, if they are dissatisfied, they could pursue civil action.

Elizabeth and Demetiro Pagan also stated complaints against their homebuilder. Commissioner Rogers requested they contact the Building Department.

Mildred Corder questioned the issuance of bonds and whether or not the City would be going to referendum. Mayor Harrison stated tax funds are not involved, and the issuance of these General Obligation Bonds does not require a referendum.

### **SWALCO/ALTERNATE DIRECTOR**

It was moved by Commissioner Rogers, seconded by Commissioner Taylor that a Resolution (02-R-10) be passed appointing Richard Cochrane as Alternate Director to the Solid Waste Agency of Lake County. The vote on roll call was: Commissioners Rogers, aye; Taylor, aye; DeTienne, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried. Resolution passed.

### **ZION ENERGY, L.L.C. HOST AGREEMENT**

A Resolution (02-R-11) was passed amending the Host Agreement with Zion Energy L.L.C. as follows:

- It was moved by Commissioner Taylor, seconded by Commissioner Bennett to approve the First Amendment to the Host Agreement with Zion Energy, L.L.C., limiting the recapture of infrastructure improvements to the lesser of ten percent (10%) of such total cost or the sum of \$50,000 including interest. The original Host Agreement granted the developer certain rights of recapture for infrastructure improvements, which the developer now agrees to waive in part. The vote on roll call was: Commissioners Rogers, aye; Taylor, aye; DeTienne, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried.
- It was moved by Commissioner Rogers, seconded by Commissioner DeTienne to approve the Second Amendment to the Host Agreement with Zion Energy L.L.C.:
  - o Whereby developer agrees that the property is released from any obligation to pay recapture for the construction costs for roads, and any such recapture costs for the property shall be paid by developer and not imposed upon other users of the infrastructure improvements, and
  - o Whereby developer agrees to construct Eliason Avenue and 9th Street and to maintain the property referenced in the Temporary Construction and Access Easement between the City and Commonwealth Edison. The vote on roll call was: Commissioners Rogers, aye; Taylor, aye; DeTienne, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried.

### **SHERIDAN ROAD**

It was moved by Commissioner Rogers, seconded by Commissioner Taylor that a Resolution (02-R-12) be passed authorizing and directing the purchase of 2861 Sheridan Road for the amount of \$225,000 per the Real Estate Contract. The seller is to provide a Phase I environmental study, and the contract is subject to finding no hazardous materials. The property will be purchased from economic development funds, and not from taxpayer funds. The vote on roll call was: Commissioners Rogers, aye; Taylor, aye; DeTienne, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried. Resolution passed.

### **MIDWESTERN REGIONAL MEDICAL CENTER**

Attorney Stewart Diamond stated all procedures have been completed to authorize the sale of bonds for Midwestern Regional Medical Center, allow for refinancing the former bonds at lower interest rates, and finance the construction. An outside audit firm has completed a study of the hospital's financial condition. Mr. Diamond stated substantial security has been provided by the hospital. Mayor Harrison stated the bonding period has been decreased from 25 years to 18 years, and the escrow fund

requirement has been increased from 2 times to 2 ½ times the amount. Mayor Harrison stated Midwestern Regional Medical Center is Zion's largest employer with patients coming to Zion from all over the world. Mayor Harrison also stated that the hospital has plans for expanding its "medical campus". It was moved by Commissioner Rogers, seconded by Commissioner Bennett that an Ordinance (02-0-16) be passed authorizing and providing for the issuance of not to exceed \$30,000,000 Taxable General Obligation Bonds (Alternate Revenue Source), Series 2002, (Midwestern Regional Medical Center) of the City of Zion, Lake County, Illinois, the execution of certain contracts and documents in connection therewith and the levy of the tax for the payment thereof. The vote on roll call was: Commissioners Rogers, aye; Taylor, aye; DeTienne, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried. Ordinance passed.

### **5800 9th STREET**

It was moved by Commissioner Taylor, seconded by Commissioner Rogers that an Ordinance (02-0-17) be passed rezoning property at 5800 9th Street from County Zoning to GI General Industry. The vote on roll call was: Commissioners Rogers, aye; Taylor, aye; DeTienne, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried. Ordinance passed.

### **ZION-SHERIDAN LLC SUBDIVISION**

It was moved by Commissioner Bennett, seconded by Commissioner DeTienne that an Ordinance (02-0-18) be passed rezoning Lot 3 in Zion-Sheridan LLC Subdivision from HB2 Highway Business to LM Light Industrial. The vote on roll call was: Commissioners Rogers, aye; Taylor, aye; DeTienne, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried. Ordinance passed.

### **ROAD IMPROVEMENTS**

It was moved by Commissioner Taylor, seconded by Commissioner DeTienne that the first reading of an ordinance be approved authorizing the issuance of General Obligation Bonds (Combined Zion Energy LLC Agreement Fees and Motor Fuel Tax Receipts Alternate Revenue Source) of the City of Zion, Lake County, Illinois, in the aggregate principal amount of \$8,000,000 for the purpose of defraying the cost of road and related improvements. The vote on roll call was: Commissioners Rogers, aye; Taylor, aye; DeTienne, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried.

### **SHERIDAN ROAD STREETScape IMPROVEMENTS**

Attorney Stewart Diamond stated the bonds to be utilized for Sheridan Road improvements will no longer need state revenue sharing as an alternate revenue source, and the ordinance would be amended accordingly. It was moved by Commissioner Taylor, seconded by

Commissioner Rogers that the first reading of an ordinance be approved authorizing the issuance of General Obligation Bonds (Special Tax Allocation Fund Revenue Source) of the City of Zion, Lake County, Illinois, in the aggregate principal amount of \$6,000,000 for the purpose of defraying the cost of Sheridan Road and related improvements. The vote on roll call was: Commissioners Rogers, aye; Taylor, aye; DeTienne, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried.

### **SPRINKLERS & FIRE ALARM SYSTEMS**

It was moved by Commissioner Taylor, seconded by Commissioner DeTienne that an Ordinance (02-0-19) be passed amending the Municipal Code of the City of Zion, as amended, Section 34-44, regarding sprinklers and fire alarm systems. The vote on roll call was: Commissioners Rogers, aye; Taylor, aye; DeTienne, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried. Ordinance passed.

It was moved by Commissioner DeTienne, seconded by Commissioner Rogers that an Ordinance (02-0-20) be passed amending the Municipal Code of the City of Zion, as amended, Sections 22-36, 40 and 42, regarding alarm systems and the City's Authorized Central Receiving Station. The vote on roll call was: Commissioners Rogers, aye; Taylor, aye; DeTienne, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried. Ordinance passed.

### **NUISANCE REGULATIONS**

It was moved by Commissioner Rogers, seconded by Commissioner DeTienne that an Ordinance (02-0-21) be passed amending the Municipal Code of the City of Zion, as amended, establishing nuisance regulations. Attorney Rolek stated this ordinance would provide the Police and Building Departments with more authority regarding health and safety issues. The vote on roll call was: Commissioners Rogers, aye; Taylor, aye; DeTienne, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried. Ordinance passed.

### **173 & SHERIDAN ROAD/COMMERCIAL DEVELOPMENT**

Developer Jim Kaplan presented his plans for the southeast corner of Route 173 and Sheridan Road. Mr. Kaplan owns the former automotive repair shop and car wash buildings. IEPA environmental issues do exist, and Illinois Brownfield grant funds are being pursued. The 14,000 square foot development would be in two phases. Mr. Kaplan stated the first phase would encompass 7,500 square feet of retail development directly on the corner, anticipating potential contracts with Dunkin Donuts, Baskin & Robbins, Quiznos, a hair care shop and a dry cleaners. The remainder of the property would remain as is until a business would be willing to develop it. Attorney Rolek questioned Mr. Kaplan's intentions to demolish the structures, as previously proposed. Mr. Kaplan stated the buildings

represent his collateral, therefore if he alters his collateral, it would affect his loan. Mr. Kaplan stated the bank would continue to finance the property if he secures contracts with signed leases. Per Mr. Kaplan's construction lender, ground breaking for Phase I is anticipated within the next 30 to 45 days. Peter Cioni stated the IEPA has finished its assessment and their recommendation is for a remediation plan to remove problem material. Mr. Kaplan stated when final plans and figures are completed; he will present the plans to the Council.

### **WATER & SEWER BONDS/FINANCIAL AGENT**

A memo (02-DOC-40) was received from Gregory Schneider, recommending utilizing Speer Financial, Inc. as the City's financial agent for the General Obligation Bonds per the Waterworks and Sewerage System Alternate Revenue Source. Attorney Rolek stated the bond issue requires annual financial reporting. Speer Financial proposed Direction and Indemnification Agreement would be for a total fee not to exceed \$2,500. It was moved by Commissioner Taylor, seconded by Commissioner Bennett to approve the Direction and Indemnification Agreement with Speer Financial, Inc. for an amount not to exceed \$2,500.00. The vote on roll call was: Commissioners Rogers, aye; Taylor, aye; DeTienne, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried.

### **MUNICIPAL SOFTWARE SERVICE AGREEMENT**

A memo (02-DOC-41) was received from Gregory Schneider, recommending the renewal of the service agreement with Municipal Software Inc. from May 1, 2002 through April 30, 2003. The total annual amount of this agreement is \$5,470. It was moved by Commissioner Bennett, seconded by Commissioner Rogers to approve the renewal of the Municipal Software, Inc. service agreement from May 1, 2002 through April 30, 2003 in the amount of \$5,470. The vote on roll call was: Commissioners Rogers, aye; Taylor, aye; DeTienne, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried.

### **JUBILEE DAYS FESTIVAL**

A letter (02-DOC-42) was received from Richard Walker, requesting a \$10,000 donation for the annual Jubilee Days Festival. Mayor Harrison recommended, rather than giving a dollar donation, that the City sponsor Jubilee Days events, such as the community picnic and fireworks. Commissioner Bennett stated he would want to see the committee's budget balance, as well as the proposed budget. Commissioner Taylor stated this is a tri-city event, and should be funded by all three communities. Mayor Harrison recommended tabling this request until after budget hearings and the provision of Jubilee Days Festival budgets. It was moved by Commissioner Rogers, seconded by Commissioner Taylor to table the donation request from the Jubilee Days Festival until after budget

hearings and receipt of Jubilee Days Festival budgets. The vote on roll call was: Commissioners Rogers, aye; Taylor, aye; DeTienne, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried.

### **LOADER-BACKHOE/PUBLIC WORKS**

A memo (02-DOC-43) was received from Brian Usher, requesting permission to advertise for bids for a loader/backhoe for the Water Division of Public Works. This is a budgeted item. It was moved by Commissioner Taylor, seconded by Commissioner Rogers to grant permission to advertise for bids for a combination loader/backhoe for Public Works. The vote on roll call was: Commissioners Rogers, aye; Taylor, aye; DeTienne, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried.

### **PUBLIC WORKS VEHICLES**

A memo (02-DOC-44) was received from Brian Usher, requesting permission to purchase the following vehicles for Public Works through a State of Illinois bid: Pickup Truck for Engineering \$ 23,202 Pickup Truck for Water Division \$ 23,202 Service Truck for Water Division \$ 31,935 Chipper Truck for Street Division \$ 52,506 One-Ton Dump Truck for Street Division \$ 48,190 Mr. Usher stated the individual items come to a total of \$179,053, which is \$3,000 over budget, however, funds are still available in this line item to cover the additional cost. Commissioner Bennett questioned whether or not the purchases included trade-ins. Mr. Usher stated the old vehicles are beyond repair and would be disposed. It was moved by Commissioner Taylor, seconded by Commissioner DeTienne to grant permission to purchase vehicles, as requested for Public Works, through the State of Illinois joint purchase bid program for a total cost of \$179,053. The vote on roll call was: Commissioners Rogers, aye; Taylor, aye; DeTienne, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried.

### **PAVEMENT MARKING & CRACK SEALING PROGRAM**

A memo (02-DOC-45) was received from Brian Usher, requesting approval to renew the City's participation in the joint purchase program for pavement markings and crack sealing as administered by the Northwest Municipal Conference. Mr. Usher anticipates approximately \$75,000 would be spent for crack sealing and \$30,000 would be spent for pavement marking. This expense would need to be considered for the 2002/03 budget. It was moved by Commissioner Taylor, seconded by Commissioner Bennett to approve participating in the Northwest Municipal Conference joint purchase program for pavement marking and crack sealing for an amount not to exceed \$105,000, and to include this amount in the 2002/03 budget. The vote on roll call was: Commissioners Rogers, aye; Taylor, aye; DeTienne, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried.

## **BITUMINOUS/CONSTRUCTION MATERIALS**

A memo (02-DOC-46) was received from Brian Usher, requesting permission to advertise for bids for the annual purchase of bituminous, construction and maintenance materials. Commissioner Taylor noted this bid would not include the purchase of gasoline. It was moved by Commissioner Taylor, seconded by Commissioner Bennett to grant permission to advertise for bids for the annual purchase of bituminous, construction and maintenance materials. The vote on roll call was: Commissioners Rogers, aye; Taylor, aye; DeTienne, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried.

## **SIDEWALK & CONCRETE REPAIR PROGRAM**

A memo (02-DOC-47) was received from Brian Usher, requesting permission to advertise for bids for the annual sidewalk and concrete repair program for an estimated total of \$125,000. This expense would need to be considered for the 2002/03 budget. It was moved by Commissioner Taylor, seconded by Commissioner Rogers to grant permission to advertise for bids for the annual sidewalk and concrete repair program in the amount of \$125,000, and to include this amount in the 2002/03 budget. The vote on roll call was: Commissioners Rogers, aye; Taylor, aye; DeTienne, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried.

## **ZION SHOPPING CENTER REDEVELOPMENT AGREEMENT**

A memo (02-DOC-48) was received from Peter Cioni, considering an amendment to the Zion Shopping Center Redevelopment Agreement with Gerald Grobman. Mr. Cioni stated this amendment clarifies improvements and associated costs for which the developer is responsible. The developer has agreed to all improvements. The developer's improvements include the construction of a stormwater detention pond, however, the City will initially pay for the construction and then recover from the tax increment generated by the project. Mr. Cioni stated if the developer doesn't complete any items, then the City could complete the work and be reimbursed from the TIF funds. It was moved by Commissioner DeTienne, seconded by Commissioner Taylor that an Ordinance (02-0-22) be passed amending the Redevelopment Agreement between the City of Zion and Zion-Sheridan LLC. The vote on roll call was: Commissioners Rogers, aye; Taylor, aye; DeTienne, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried. Ordinance passed.

## **ACCOUNTING CONSULTANT**

A memo (02-DOC-49) was received from Gregory Schneider, requesting permission to retain a consultant for review of financial and accounting procedures as follows:



- Assist in setting up appropriate accounts for TIF districts
- Consider closing out multiple existing bank accounts
- Consider system for grant expenditures and reimbursements
- Review of bond ordinances
- Review of general fund/accounting structure

Commissioner Bennett estimated the cost for this service at \$8,000, and Mr. Schneider would solicit proposals. It was moved by Commissioner Rogers, seconded by Commissioner Taylor to authorize Commissioner Bennett and Gregory Schneider to solicit proposals for a financial consultant, and to hire the appropriate individual at a cost not to exceed \$8,000. The vote on roll call was: Commissioners Rogers, aye; Taylor, aye; DeTienne, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried.

### **TOWNSHIP STUDENT WORK PROGRAM**

Mayor Harrison stated the Township is requesting a subsidy from the City in the amount of \$18,200 for the Student Work Program. In the past, this program has included young people ages 14 through 16. It has since been discovered that laws prohibit the use of power equipment by persons hired under the age of 16. Mowing and trimming lawns requires use of power mowers and equipment. Commissioner Bennett stated the Township's cost of hiring 16 year olds could be partially defrayed by liens collected by the City. Commissioner Rogers stated that Commissioner Taylor and she would like to further research this issue and bring back recommendations to the Town Board on April 16. The Council agreed to defer this issue until the April 16 Town Board meeting.

### **ANNOUNCEMENTS**

- April 3 National Kick Butts Day
- April 9 Annual Town Meeting
- April 10 Downtown Merchant Meeting kicking off  
Downtown Redevelopment Project
- April 16 Township Board Meeting
- April 16 City Council Meeting

### **CLOSED SESSION**

It was moved by Commissioner Taylor, seconded by Commissioner Rogers that the Council recess to Closed Session at 9:28 p.m. to discuss purchase of real estate and pending litigation. The vote on roll call was: Commissioners Rogers, aye; Taylor, aye; DeTienne, 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 9:52 p.m. with all

members present. The vote on roll call was: Commissioners Rogers, aye; Taylor, aye; DeTienne, 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 Bennett, seconded by Commissioner DeTienne and unanimously approved the meeting be adjourned at 9:53 p.m. Motion carried.