

MINUTES OF A REGULAR MEETING OF THE ZION CITY COUNCIL HELD ON TUESDAY, MAY 20, 2003, 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 DeTienne, Taylor, Flammini, 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 Bennett to accept the Council agenda with amendments as follows:

- Deleting to amend Subdivision Code regarding impact fees, item 8.b.
- Deleting to consider approval of Intergovernmental Agreement with Newport Fire Protection District, item 9.j.
- Deleting to consider approval of TIF assistance for Memorial United Methodist Church, item 9.o.
- Deleting to consider amending air standards per IEPA Standards, item 9.q.

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

CONSENT AGENDA

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

- (a) **MINUTES** of a Regular Meeting held on May 6, 2003 at 7:00 P.M., a Special Meeting/Workshop held on May 8, 2003 at 4:04 P.M. and a Special Meeting and Closed Session held on May 14, 2003 at 4:07 P.M., with all members having previously received copies.
- (b) **DEPARTMENTAL REPORTS:** Detailed Balance Sheet and Detailed Revenue & Expense Report, period ending April 30, 2003; Building Inspector's Monthly Report, April, 2003; Worker Compensation Claims for January, February, March & April, 2003
- (c) **BILLS:** Vouchers 83210 through 83373 drawn on National City Bank, \$866,209.41; Add back voided check, \$500.00; Total: \$866,709.41
- (d) **PAYMENTS:** Ancel, Glink, Diamond, Bush, DiCianni & Rolek, P.C., legal services, \$65.00, \$262.50, \$70.00, \$175.00, \$173.00, \$840.00, \$1,386.00, \$70.00, \$140.00, \$407.07, \$1,435.00, \$1,782.89, \$56.00, \$437.50, \$420.00, \$67.50, \$105.00, \$135.00, \$67.50, \$235.00, \$70.00, \$140.00, \$3,435.35, \$617.50, \$32.50, \$347.00, \$1,950.00, \$330.00; Total: \$15,252.31; Township of Zion, lawn care equipment, \$7,340.00; A-Rest-A-Pest Exterminating, Ltd, exterminating service rendered, City Hall, \$456.00, Public Works, \$364.80, Fire Station #1, \$360.00, Fire Station #2, \$200.00; Total: \$1,308.80

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

It was moved by Commissioner Taylor, seconded by Commissioner Bennett that the Minutes of a Special Meeting and Closed Session held on May 5, 2003 at 4:00 P.M. and a Special Meeting held on May 6, 2003 at 6:01 P.M. be approved, with all members having previously received copies. The vote on roll call was: Commissioners DeTienne, aye; Taylor, aye; Flammini, pass; Bennett, aye; and Mayor Harrison, aye. Motion carried.

5/20/03

AMENDING PERSONNEL AUTHORIZATION

It was moved by Commissioner Taylor, seconded by Commissioner Bennett that a Resolution (03-R-19) be passed amending the Personnel Authorization for various departments. The vote on roll call was: Commissioners DeTienne, aye; Taylor, aye; Flammini, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried. Resolution passed.

NOSTALGIA DAYS

It was moved by Commissioner DeTienne, seconded by Commissioner Bennett that a Resolution (03-R-20) be passed, requesting permission of the Illinois Department of Transportation for the temporary closure of Sheridan Road on June 21, 2003 between 4:00 P.M. and 6:00 P.M. for Nostalgia Days. The vote on roll call was: Commissioners DeTienne, aye; Taylor, aye; Flammini, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried. Resolution passed.

NEWPORT TOWNSHIP FIRE PROTECTION DISTRICT AGREEMENT

Mayor Harrison stated an Intergovernmental Agreement was ratified by the Newport Township Fire Protection District at their last meeting for the joint development and staffing of a satellite fire station. The area protected would include the boundaries of Route 173 to the south, Green Bay Road to the east, State Line Road to the north, and the Union Pacific Railway to the west. Fire/rescue tax derived from this area would be shared equally for the provision of manpower at this fire station.

It was moved by Commissioner DeTienne, seconded by Commissioner Bennett that a Resolution (03-R-21) be passed approving a Settlement Agreement and Intergovernmental Agreement with Newport Township Fire Protection District for the establishment and funding of a joint fire station. The vote on roll call was: Commissioners DeTienne, aye; Taylor, aye; Flammini, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried. Resolution passed.

G-3 GENERAL INDUSTRIAL ZONING DISTRICT

It was moved by Commissioner Taylor, seconded by Commissioner Flammini that an Ordinance (03-0-24) be passed changing the zoning for described parcels formerly classified as G-1 General Industrial to G-3 General Industrial Districts. The vote on roll call was: Commissioners DeTienne, aye; Taylor, aye; Flammini, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried. Ordinance passed.

COMMON GROUND/SKATEBOARD PARK

A proposed skateboard and bike park was presented by Common Ground. Joe Knobbe stated this group is requesting the Council's support, as well as attempting to acquire space for the park, and will be pursuing grants and business donations. Mayor Harrison stated there are various ways in which to raise funds, and noted the emphasis now is to find a viable location. Mr. Knobbe stated he plans to talk with the Zion Park District regarding their possible involvement. Mayor Harrison stated the Police Advisory Board has been involved in pursuing options for this effort. Commissioner Bennett stated he has no problem with the concept, however he noted he is opposed to the City either running or owning a skateboard park.

Commissioner Taylor recommended looking into liability issues. Mr. Knobbe stated he has already checked into liability concerns. Attorney Rolek stated he has a file and documents, which may assist this group in this endeavor.

It was moved by Commissioner Taylor, seconded by Commissioner DeTienne to support the concept of a skateboard and bike park within the City of Zion. The vote on roll call was: Commissioners DeTienne, aye; Taylor, aye; Flammini, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried.

5/20/03

SAVE THE RINK COMMITTEE/RAFFLE

An application has been submitted by the Zion Park District Foundation for license to conduct a raffle in the City of Zion. The drawing would be held December 14, 2003, with proceeds to help save the Park District ice arena. The "Save the Rink" Committee is also requesting to waive the fee for conducting this raffle.

It was moved by Commissioner DeTienne, seconded by Commissioner Bennett to approve the license to conduct a raffle for the Zion Park District Foundation and the Save the Rink Committee, waiving the license fee. The vote on roll call was: Commissioners DeTienne, aye; Taylor, aye; Flammini, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried.

FIRE & POLICE COMMISSION

Mayor Harrison stated a recommendation has been presented to appoint David Belmonte to the Fire and Police Commission. Commissioner Bennett stated, although he is not personally opposed to Mr. Belmonte, he is opposed to appointing a former policeman to be responsible for hiring and firing police officers. Commissioner DeTienne stated he understands these concerns, however, Mr. Belmonte has been very involved in the CALEA accreditation process and is very willing to serve.

It was moved by Commissioner DeTienne, seconded by Commissioner Taylor to appoint David Belmonte to the Fire and Police Commission. The vote on roll call was: Commissioners DeTienne, aye; Taylor, aye; Flammini, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried.

ORGANIZATION COMMITTEE

It was moved by Commissioner Flammini, seconded by Commissioner Taylor to appoint Jason Lewis to the Organization Committee. The vote on roll call was: Commissioners DeTienne, aye; Taylor, aye; Flammini, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried.

ANNUAL AUDIT/FISCAL YEAR 2002/03

A memo (03-DOC-122) was received from Greg Schneider, recommending acceptance of a proposal from Evoy, Kamshulte, Jacobs and Co., LLP for preparation of the Annual Audit for fiscal year 2002/03. The total cost of \$29,300 would include audits for the TIF Districts and the Police and Fireman's Pension Funds.

It was moved by Commissioner Bennett, seconded by Commissioner Taylor to approve hiring Evoy, Kamshulte, Jacobs and Co., LLP to conduct the Annual Audit for fiscal year 2002/03 for all funds including the TIF Districts and the Police and Fireman's Pension Funds. The vote on roll call was: Commissioners DeTienne, aye; Taylor, aye; Flammini, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried.

AGENDA AMENDMENTS

It was moved by Commissioner Taylor, seconded by Commissioner DeTienne to further amend the Council agenda as follows:

- Moving item 9.f. to after Closed Session, item 11.a.
- Moving item 9.g. to after Closed Session, item 11.b.
- Moving item 9.h. to after Closed Session, item 11.c.
- Adding the discussion of personnel to Closed Session, item 11.

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

5/20/03

COMMUNITY SERVICE OFFICER VACANCY

Chief Malcolm requested permission to post and advertise for five (5) vacant part-time Community Service Officer positions.

It was moved by Commissioner DeTienne, seconded by Commissioner Taylor to grant permission to post and advertise for five (5) part-time Community Service Officers for the Police Department. The vote on roll call was: Commissioners DeTienne, aye; Taylor, aye; Flammini, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried.

ADMINISTRATIVE ADJUDICATION

Chief Malcolm recommended the City commence an administrative adjudication process, which would allow for due process through an outside, unbiased hearing officer. Chief Malcolm stated presently the Police can write tickets and also decide on a person's guilt, which presents a conflict. Attorney Rolek stated a system of administrative adjudication allows due process and equal protection. It would also allow for flexibility of schedules, in that hearings could be held in the evening and on Saturdays. Attorney Rolek recommended starting this process with hearings twice a month, approximately 2 hours per session. This process could help residents to get work accomplished, rather than just fining them. John Jones questioned the need for the Building Advisory Panel. Attorney Rolek stated the Building Advisory Panel would still be making its recommendations to Mr. Jones, however requests for appeals would come before the hearing officer. Mayor Harrison stated officers would not have to go to branch court, saving time and money, and fees would not have to be split with the county. The hearings could be held in the former Police Department courtroom. Operational costs would include salaries for the hearing officer and court clerk, who would have to be outside personnel, as well as the purchase of a laptop computer and related software. The estimated operating costs would represent only 7% of the annual estimated revenue from fines. Commissioner DeTienne stated present police staff could handle this procedure, as the new software would help update and organize paperwork and eventually lessen the workload. Chief Malcolm stated Community Service Officers could also be involved in the process.

It was moved by Commissioner DeTienne, seconded by Commissioner Taylor to approve commencing a system of administrative adjudication, as presented. The vote on roll call was: Commissioners DeTienne, aye; Taylor, aye; Flammini, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried.

SPRINKLER SYSTEM REQUIREMENTS

A memo (03-DOC-123) was received from John Jones, regarding sprinkler system requirements. Developer Jim Funderburk has requested waiving the requirements to install a sprinkler system in a multi-unit residence proposed on Woodland Avenue. Mr. Jones stated it is staff's recommendation that this request be denied. Mayor Harrison stated, when Mr. Funderburk requested to build a five building condominium development in 1987, he was told he would not have to install sprinklers. Commissioner Flammini stated he is opposed to waiving this requirement, as it protects the residents, the extra cost can be

passed on to the buyer, and other builders may not use the same upgraded materials. Commissioner DeTienne stated these matters should be reviewed on a case-by-case basis, and the Council should review the requirements for construction materials. Commissioner Bennett stated issues can change over the years, noting he is in favor of the current ordinance. Mayor Harrison stated lobbying groups often are responsible for standards, which aren't necessarily always the best methods. Chief LaBelle stated the habits of a resident in a multi-family structure with common areas can affect the lives of many people. Chief LaBelle stated, besides the City Codes, the International Code, the NFPA, and the Life Safety Code all require sprinklers. Chief LaBelle stated other communities would require sprinklers if they have adopted these codes. Mayor Harrison stated he would like to review buildings of like nature in other areas prior to making a decision, and requested tabling this issue. Commissioner Bennett questioned the City's liability, if the ordinance were to be rescinded. Attorney Rolek stated the City is protected under the Tort Immunity Act, but this could create a potential liability. Mayor Harrison questioned whether or not the Code could be amended to require sprinklers in all common areas only. Chief LaBelle stated such an amendment would allow all builders to do so.

5/20/03

It was moved by Commissioner DeTienne, seconded by Commissioner Bennett to table the request for an appeal regarding sprinkler system requirements until the June 3 meeting. The vote on roll call was: Commissioners DeTienne, aye; Taylor, aye; Flammini, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried.

GALILEE PARK SUBDIVISION/PERMIT EXTENSION

A memo (03-DOC-124) was received from John Jones, recommending an extension for the submittal of plans for Galilee Park Subdivision. This subdivision was approved approximately one year ago, however the developers are still waiting for approval from Lake County. Zion Code allows up to one year after approval for obtaining permits and starting a development. Mr. Jones recommended allowing an extension until November 1, 2003.

It was moved by Commissioner Flammini, seconded by Commissioner DeTienne to approve an extension up to November 1, 2003 for the submittal of plans for Galilee Park Subdivision. The vote on roll call was: Commissioners DeTienne, aye; Taylor, aye; Flammini, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried.

VACATION OF PARKWAY FOOTAGE/1500 & 1502 KEDRON AVE.

A memo (03-DOC-125) was received from John Jones, regarding a request to vacate parkway footage fronting 1500 and 1502 Kedron Avenue. These parcels are set back extraordinarily deep, due to the unimproved portion of Kedron Avenue lying in front of this property. Mr. Jones stated staff agrees that this roadway would not be continued, and recommended vacating this property, dividing it between the two owners. Attorney Rolek noted that the property owners have stated that their taxes would not be affected. Attorney Rolek stated this is not the case, as there would be a minimal tax increase. Commissioner Bennett questioned whether or not a nominal payment for this land had been discussed. Brian Usher stated a payment had not been discussed, as the City currently is responsible for maintenance of the right-of-way and would not be upon vacation of the property. Mayor Harrison recommended that the City recover its fees and costs.

It was moved by Commissioner Taylor, seconded by Commissioner DeTienne to approve the vacation of the parkway footage at 1500 and 1502 Kedron Avenue, subject to the City recovering its costs. The vote on roll call was: Commissioners DeTienne, aye; Taylor, aye; Flammini, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried.

RECESS

It was moved by Commissioner Taylor, seconded by Commissioner DeTienne to take a five-minute recess at 8:35 P.M. The vote on roll call was: Commissioners DeTienne, aye; Taylor, aye; Flammini, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried.

SURPLUS VEHICLES & EQUIPMENT/PUBLIC WORKS

A memo (03-DOC-126) was received from Brian Usher, requesting that the Council declare certain vehicles and equipment as surplus, allowing for the sale through the Lake County Municipal Auction. The items have been replaced, and are no longer essential to the operation of the City. The items include:

- 1984 GMC Vac-All
- 1990 GMC TopKick Dump Truck
- 1991 Ford F250 Utility Body
- 1990 Ford F150 Pickup
- 1988 Case 480 Backhoe
- 1988 Case 680 Backhoe

5/20/03

It was moved by Commissioner Taylor, seconded by Commissioner Bennett to declare the vehicles and equipment, as presented, as surplus and authorize them to be sold through the Lake County Municipal Auction. The vote on roll call was: Commissioners DeTienne, aye; Taylor, aye; Flammini, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried.

TAB OF BIDS/DOWNTOWN PARKING LOT & ALLEY IMPROVEMENTS

A Tabulation of Bids (03-DOC-127) was received from Brian Usher, regarding the downtown parking lot and alley improvements for Phase 2 of the Streetscape Project. Mr. Usher recommended awarding the contract to the sole bidder, Alliance Contractors, Inc., who met all specifications, for the total amount of \$3,388,212.63. The engineer's estimate for this project was \$3,500,000. Mayor Harrison stated there is a business owner at Sheridan Road and 27th Street who has requested allowing a natural area along 27th Street next to his building. Mr. Usher stated if this area was not paved, both sides of 27th Street would not be the same, and it would cost to weed and maintain the natural area. Mr. Usher also stated, if this building changed ownership, the new owner may not wish to maintain the natural area. The Council agreed to continue with the plan to pave both sides of 27th Street.

It was moved by Commissioner Taylor, seconded by Commissioner DeTienne to award the contract for the downtown parking lot and alley improvements to Alliance Contractors, Inc. in the amount of \$3,388,212.63. The vote on roll call was: Commissioners DeTienne, aye; Taylor, aye; Flammini, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried.

TAB OF BIDS/CALEDONIA & 29TH STREET/UTILITIES RELOCATION

A Tabulation of Bids (03-DOC-128) was received from Brian Usher, regarding the relocation of utilities in the Caledonia right-of-way between Sheridan Road and 29th Street. Mr. Usher recommended awarding the contract to the lowest responsible and responsive bidder, Campanella & Sons, Inc., in the amount of \$114,823.55. The engineer's estimate for this project was \$140,200.

It was moved by Commissioner Bennett, seconded by Commissioner Taylor to award the contract for the relocation of utilities along the Caledonia right-of-way between Sheridan Road and 29th Street to

Campanella & Sons Inc. in the amount of \$114,823.55. The vote on roll call was: Commissioners DeTienne, aye; Taylor, aye; Flammini, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried.

Brian Usher stated People's Energy Corporation has informed him that the relocation of the gas main for this project will cost \$19,600.00.

It was moved by Commissioner Taylor, seconded by Commissioner Bennett to authorize payment to People's Energy Corporation in the amount of \$19,600.00 for the relocation of the gas main for the Caledonia and 29th Street project. The vote on roll call was: Commissioners DeTienne, aye; Taylor, aye; Flammini, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried.

STREET IMPROVEMENT PROJECTS

A Tabulation of Bids (03-DOC-129) was received from Brian Usher, regarding the resurfacing of 30th Street east of Lewis Avenue. Mr. Usher recommended awarding the contract to the lowest responsible and responsive bidder, Peter Baker & Son, Inc., in the amount of \$116,431.75. The engineer's estimate for this project was \$145,000.

It was moved by Commissioner Taylor, seconded by Commissioner DeTienne to award the contract for the resurfacing of 30th Street east of Lewis Avenue to Peter Baker & Son, Inc. in the amount of \$116,431.75. The vote on roll call was: Commissioners DeTienne, aye; Taylor, aye; Flammini, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried.

5/20/03

A Tabulation of Bids (03-DOC-130) was received from Brian Usher, regarding the 2003 Street Improvement Program. Mr. Usher recommended awarding the contract to the lowest responsible and responsive bidder, Campanella & Sons, Inc., in the amount of \$4,041,073.62. The engineer's estimate for this project was \$4,700,000.00.

It was moved by Commissioner Taylor, seconded by Commissioner Bennett to award the contract for the 2003 Street Improvement Program to Campanella & Sons, Inc. in the amount of \$4,041,073.62. The vote on roll call was: Commissioners DeTienne, aye; Taylor, aye; Flammini, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried.

ANNOUNCEMENTS

May 26	City Hall closed for Memorial Day
June 3	Regular City Council Meeting
June 14	SWALCO Residential Electronics Collection Event
June 17	Regular Town Board Meeting

CLOSED SESSION

It was moved by Commissioner Taylor, seconded by Commissioner DeTienne that the Council recess to Closed Session at 9:07 p.m. to discuss purchase and sale of real estate, probable litigation and personnel. The vote on roll call was: Commissioners DeTienne, aye; Taylor, aye; Flammini, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried.

It was moved by Commissioner Flammini, seconded by Commissioner Taylor to reconvene the Regular Council meeting at 10:33 p.m. with all members present. The vote on roll call was: Commissioners DeTienne, aye; Taylor, aye; Flammini, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried.

EMPLOYEE HEALTH INSURANCE

Commissioner Bennett proposed increasing the employees' monthly rate for health insurance as follows:

Single Coverage:	from \$50/month to \$60/month
Single + One Coverage:	from \$65/month to \$85/month
Family Coverage:	from \$95/month to \$115/month

Mayor Harrison stated the City's costs have dramatically increased by approximately 40% making it necessary to increase the employees' rates.

It was moved by Commissioner Bennett, seconded by Commissioner Taylor to approve increasing the employees' monthly health insurance rates, as presented, effective July 1, 2003. The vote on roll call was: Commissioners DeTienne, pass; Taylor, aye; Flammini, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried.

5/20/03

RETIREES' HEALTH INSURANCE

Commissioner Bennett proposed increasing retirees' monthly health insurance payments effective July 1, 2003 as follows:

	<u>COBRA (cost)</u>	<u>Retiree</u>	<u>Medicare</u>
Single Coverage:	\$718.00	\$595.00	\$350.00
Single + One Coverage:	\$1,324.00	\$1,190.00	\$700.00
Family Coverage:	\$1,930.00	n/a	n/a

Retirees with 20 years of service and between the ages of 50 and 65 could have this cost further reduced by an additional \$200 to \$300 per month. Mayor Harrison stated the Council has considered a moderated increase from the original proposal, wherein the City would now absorb a portion of the cost.

It was moved by Commissioner Bennett, seconded by Commissioner Flammini to approve increasing retirees' monthly health insurance payments effective July 1, 2003 as presented. The vote on roll call was: Commissioners DeTienne, pass; Taylor, aye; Flammini, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried.

NON-UNION EMPLOYEE WAGES

Mayor Harrison stated the Council has discussed wage increases for full-time employees, not including employees covered under collective bargaining contracts, taking into consideration the City's costs and the modest health insurance rate increase. Mayor Harrison stated a letter would be forthcoming from Accounts and Finance providing employees with information pertaining to salaries and benefits. Part-time and temporary employees will be discussed at a later date.

It was moved by Commissioner Bennett, seconded by Commissioner Taylor to approve 2% wage increases for full-time employees, not including employees covered under collective bargaining contracts, retroactive to May 1, 2003. The vote on roll call was: Commissioners DeTienne, aye; Taylor, aye; Flammini, 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 DeTienne, seconded by Commissioner Bennett and unanimously approved the meeting be adjourned at 10:40 p.m. Motion carried.

City Clerk

Approved June 3, 2003