

**MINUTES OF A REGULAR MEETING OF THE ZION CITY COUNCIL HELD ON TUESDAY, JULY 19, 2005, AT 7:01 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 Bennett, Flammini, DeTienne, Taylor 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 Flammini to accept the Council agenda with amendments as follows:

- Deleting to consider request to occupy Shiloh Blvd. by Midwestern Regional Medical Center, item 9.q.

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

**PUBLIC HEARING/APPROPRIATION ORDINANCE**

Mayor Harrison opened the Public Hearing at 7:04 P.M. for the Appropriation of the City of Zion for the Fiscal Year beginning May 1, 2005 and ending April 30, 2006.

Mayor Harrison asked if there were any comments and/or questions, and there were none.

Mayor Harrison declared the Public Hearing closed at 7:05 P.M.

**CONSENT AGENDA**

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

- (a) **APPROVAL OF MINUTES** of a Regular Meeting held on July 5, 2005 and approval but not release of Closed Session minutes of a meeting held on July 5, 2005 at 7:58 P.M., with all members having previously received copies.
- (b) **DEPARTMENTAL REPORTS:** Building Inspector's Monthly Report, June 2005
- (c) **BILLS:** Vouchers 91033 through 91172 drawn on National City Bank, \$807,346.99
- (d) **PAYMENTS:** Animal Care Products, Inc., cat condo, \$2,285.00; ME Uniforms, police uniforms, \$2,012.70; Classic Printery, Inc., printing of ZBDC newsletter, \$3,890.00
- (e) **RECEIVE & PLACE ON FILE:** Lake County Public Water District Financial Report, April 2005

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

**LABOR DAY PARADE**

It was moved by Commissioner DeTienne, seconded by Commissioner Taylor that a Resolution (05-R-19) be passed, requesting permission of the Illinois Department of Transportation for the temporary closure of Sheridan Road on September 5, 2005 between 12:00 P.M. and 3:30 P.M. for the Jubilee Days Parade. The vote on roll call was: Commissioners Bennett, aye; Flammini, aye; DeTienne, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried. Resolution passed.

**APPROPRIATION ORDINANCE**

It was moved by Commissioner Bennett, seconded by Commissioner Flammini that an Ordinance (05-0-25) be passed making appropriations, totaling \$42,935,244.00 for all funds for the City of Zion, Illinois for the Fiscal Year beginning May 1, 2005 and ending April 30, 2006. The vote on roll call was: Commissioners Bennett, aye; Flammini, aye; DeTienne, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried. Ordinance passed.

**WAL-MART ECONOMIC INCENTIVE AGREEMENT**

It was moved by Commissioner Taylor, seconded by Commissioner Bennett that an Ordinance (05-0-26) be passed approving an Economic Incentive Agreement with Wal-Mart Real Estate Business Trust. The vote on roll call was: Commissioners Bennett, aye; Flammini, aye; DeTienne, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried. Ordinance passed.

**LABOR DAY PARADE/NO PARKING**

A memo (05-DOC-90) was received from Ken Ranta, requesting to post "No Parking" signs on both sides of Elisha Avenue from 25<sup>th</sup> Street to Route 173 during the Labor Day Parade on September 5, 2005. Mr. Ranta stated the parking restriction would allow for an emergency route to Midwestern Regional Medical Center.

It was moved by Commissioner DeTienne, seconded by Commissioner Bennett to approve posting "No Parking" sign on both sides of Elisha Avenue from 25<sup>th</sup> Street to Route 173 during the Labor Day Parade from 12:00 p.m. to 4:00 p.m. on September 5, 2005. The vote on roll call was: Commissioners Bennett, aye; Flammini, aye; DeTienne, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried.

**FENCING/POLICE ADMINISTRATION BUILDING**

A memo (05-DOC-91) was received from Chief Malcolm, requesting permission to advertise for bids for replacement fencing around the Police Department's northeast parking lot and new fencing around the dumpsters. This is a budgeted item.

It was moved by Commissioner DeTienne, seconded by Commissioner Flammini to grant permission to advertise for bids for fencing for the Police Administration Building, as requested. The vote on roll call was: Commissioners Bennett, aye; Flammini, aye; DeTienne, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried.

**NO PARKING SIGNS/1100 BLOCK OF CARMEL BLVD.**

A memo (05-DOC-92) was received from Chief Malcolm, recommending that “No Parking” signs be installed along the 1100 block of Carmel Blvd., due to concerns regarding traffic safety.

It was moved by Commissioner DeTienne, seconded by Commissioner Taylor to approve the installation of “No Parking” signs along the 1100 block of Carmel Blvd., as recommended, and for an ordinance to be prepared accordingly. The vote on roll call was: Commissioners Bennett, aye; Flammini, aye; DeTienne, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried.

**WIRELESS COMMUNICATIONS SERVER**

A memo (05-DOC-93) was received from Chief LaBelle, requesting permission to upgrade the server for the wireless communications system. This server would allow better access to the network and email system by wireless systems. A quote was received from Dell Corporation for the hardware, software and licenses totaling \$5,039.87. This is a budgeted item between the Fire/Rescue Department, Public Affairs and Economic Development.

It was moved by Commissioner DeTienne, seconded by Commissioner Bennett to grant permission to upgrade the wireless communications systems server with Dell Corporation in the amount of \$5,039.87. The vote on roll call was: Commissioners Bennett, aye; Flammini, aye; DeTienne, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried.

**RADIO SYSTEM UPGRADE/FIRE/RESCUE DEPT.**

A memo (05-DOC-94) was received from Chief LaBelle, requesting permission to upgrade the radio equipment for Fire Stations 1 and 2. A FEMA grant was received for this purpose, which will fund 90% of the project. The current equipment is outdated, and the new equipment would assure uninterrupted communications during an emergency. This project coincides with the upgrade for the 911-radio system. Chief LaBelle recommended approving a quote from Comlink Technologies, LLC, which is the department’s current communications company, for a total cost of \$75,740. This is a budgeted project.

It was moved by Commissioner Taylor, seconded by Commissioner DeTienne to grant permission to upgrade the radio equipment at Fire Stations 1 and 2, as requested, from Comlink Technologies, LLC, for a total cost of \$75,740. The vote on roll call was: Commissioners Bennett, aye; Flammini, aye; DeTienne, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried.

**COUNCIL CHAMBER UPGRADES**

A memo (05-DOC-95) was received from John Jones, requesting permission to upgrade the Council Chambers as follows:

- Installation of two monitors from Grand Appliance for a total cost of \$4,800
- Wiring of monitors and computer by Computer Help Key for a cost of \$500
- Installation of carpet in Council Chambers and lobby by Cenni Ambrose Tile & Carpet for a cost up to \$15,000
- Completion of base trim in Council Chambers, which was on hold from 2004/05 budget

It was moved by Commissioner Flammini, seconded by Commissioner Taylor to approve the Council Chamber and lobby upgrades, as requested. The vote on roll call was: Commissioners Bennett, aye; Flammini, aye; DeTienne, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried.

**ESDA PARKING LOTS**

A memo (05-DOC-96) was received from Ken Ranta and John Jones, requesting to resurface the ESDA parking lots. A quote was received from T. Wallace Blacktopping in the amount of \$8,500 for this work. This is a budgeted item.

It was moved by Commissioner Flammini, seconded by Commissioner Bennett to grant permission to waive bids and approve the resurfacing of the ESDA parking lots by T. Wallace Blacktopping in the amount of \$8,500. The vote on roll call was: Commissioners Bennett, aye; Flammini, aye; DeTienne, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried.

**REZONING/21<sup>ST</sup> STREET EAST OF HORIZON COURT**

The Planning and Zoning Commission considered a request for a zoning change from Light Manufacturing (LM) to Highway Business (HB) for a parcel on 21<sup>st</sup> Street east of Horizon Court, as petitioned by Alegos and Carla Villalobos – Zoning Docket 05-Z-7. The Planning/Zoning Commission recommended approval. Mr. and Mrs. Villalobos wish to build a small commercial building for a photography studio.

It was moved by Commissioner Bennett, seconded by Commissioner Flammini to approve rezoning a parcel on 21<sup>st</sup> Street east of Horizon Court from Light Manufacturing (LM) to Highway Business (HB), and for an ordinance to be prepared accordingly. The vote on roll call was: Commissioners Bennett, aye; Flammini, aye; DeTienne, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried.

**RIGHT-OF-WAY VACATION POLICY**

A memo (05-DOC-97) was received from John Jones proposing a policy for right-of-way vacation requests as follows:

1. Requests would be reviewed by the Engineering Division to determine immediate or pending uses or issues.
2. If determined of no benefit to the city, the request to vacate the parcel would be presented to the Council.
3. Upon Council approval, the requestor or owner of adjacent property is responsible for obtaining a plat of vacation and plat of consolidation at their cost.
4. The requester shall sign an agreement, defining any necessary easements, that they will reimburse the city for any additional costs.
5. The request will be brought back to the Council for second reading.
6. Upon final approval, the city will record the vacation.

Commissioner Bennett noted the issues of land cost and property owner notification are not addressed in this policy. Attorney Randall stated, if adjacent property owners need to be notified, this step would take place after the initial request. Mr. Jones stated notification requirements could be added to the policy. Commissioner Flammini stated a value needs to be decided on a case-by-case basis, and recommended incorporating this issue in the policy.

It was moved by Commissioner Flammini, seconded by Commissioner Taylor to approve the Right-of-Way Vacation Policy, as presented, with the following additions:

- After the initial request, adjacent property owners are to be notified by the City of Zion,
- The value of the property will be decided on a case-by-case basis, and

subject to the preparation of the Right-of-Way Vacation Policy.

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

**RIGHT-OF-WAY VACATION REQUESTS**

Memos (05-DOC-98) and (05-DOC-99) were received from John Jones, considering right-of-way vacation requests as follows:

**918 Logan Court**

This request is for an unimproved alleyway 20 feet by 120 feet north of 918 Logan Court. The lot north of the alley is not within the city limits. Commissioner Bennett stated there are utilities in this alley, so an easement will be needed.

It was moved by Commissioner Taylor, seconded by Commissioner Bennett to approve the alley vacation north of 918 Logan Court, as requested. The vote on roll call was: Commissioners Bennett, aye; Flammini, aye; DeTienne, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried.

**1712 Elizabeth Avenue**

This request is for an unimproved roadway 60 feet by 120 feet north of 1712 Elizabeth Avenue. Commissioner Bennett stated this roadway may be needed in the future. Property owner, Cheryl Fisher, stated that young people congregate in this area, and they would like to control the vacant property. Brian Usher noted, since neighboring lots are built out, any improvement to this roadway would be at the city's expense. Commissioner Taylor stated approving this roadway would be a detriment to that area. Mayor Harrison stated the Council could make a preliminary approval to allow further attorney review. Attorney Randall suggested tabling this issue in order to obtain a plat of vacation and to determine costs. Commissioner Taylor noted the only open issues are whether or not the street would ever be extended and the cost to vacate. Commissioner Flammini stated this land does have a value.

It was moved by Commissioner Taylor, seconded by Commissioner Flammini to approve the roadway vacation north of 1712 Elizabeth Avenue, as requested, with the owner to pay the city's costs and fees. The vote on roll call was: Commissioners Bennett, nay; Flammini, aye; DeTienne, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried.

**1720 Gilead Avenue**

This request is for an unimproved alleyway west of 1720 Gilead Avenue. The vacation of this alleyway was originally discussed and denied in 1992, due to 1711 Galilee needing access to the alley. This address no longer needs access to the alleyway. Mr. Jones stated, if this vacation is approved, the adjoining resident would have to be notified and offered half of the alleyway. Commissioner Bennett recommended splitting the alleyway exactly in half for all concerned parties.

The Council agreed for Mr. Jones to proceed with the notifications for the vacation of the alleyway west of 1720 Gilead Avenue. No action was taken on this item.

**PERMITTED USES/CENTRAL & HIGHWAY BUSINESS DISTRICTS**

The Planning and Zoning Commission considered amending the Municipal Code regarding permitted uses in the Central Business and Highway Business Zoning Districts – Zoning Docket 05-Z-6. The Planning/Zoning Commission recommended approval. The Central Business District is along Sheridan Road from 25<sup>th</sup> Street to 28<sup>th</sup> Street. Many of the listed uses are not consistent with future plans as directed by Council. The Pre-Development Team and City Attorney recommend the amendments to these business areas.

It was moved by Commissioner Flammini, seconded by Commissioner Taylor to amend the permitted uses in the Central Business and Highway Business Zoning Districts, as recommended, and for an ordinance to be prepared accordingly. The vote on roll call was: Commissioners Bennett, aye; Flammini, aye; DeTienne, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried.

### **OUTDOOR SEATING AREAS**

The Planning and Zoning Commission considered amending the Municipal Code regarding permitting outdoor seating areas in the Central Business Zoning District – Zoning Docket 05-Z-8. The Planning/Zoning Commission recommended approval. These seating areas would be for dining at licensed restaurants, which have no setback from the sidewalk. John Jones stated several regulations are included to insure the proper use of these sidewalk cafes, including that the open portion of the public sidewalks would be reduced by no less than 5 feet.

It was moved by Commissioner Taylor, seconded by Commissioner Flammini that an Ordinance (05-0-27) be passed amending the Municipal Code of the City of Zion, as amended, Section 102-58(a)(1) and 102-58(d) regarding outdoor eating cafes on public sidewalks. The vote on roll call was: Commissioners Bennett, aye; Flammini, aye; DeTienne, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried. Ordinance passed.

### **ZION MUNICIPAL LANDFILL HYDRO STUDY**

A memo (05-DOC-100) was received from Brian Usher regarding an increase in the cost and scope of the Zion Municipal Landfill Hydro Study. CDM Engineers performed professional services required for closure reporting activities, however, additional work was needed due to soil conditions requiring deeper wells. The City is responsible for providing data to the state for the purpose of monitoring ground water in the area. Mr. Usher requested authorizing an increase to CDM Engineers in an amount not to exceed \$17,431 for this project. Commissioner Bennett questioned the city's obligations after closure of this landfill. Mr. Usher stated the monitoring report has been sent to the state for approval, after which the city can formally apply for the closure.

It was moved by Commissioner Taylor, seconded by Commissioner Flammini to authorize payment to CDM Engineers in an amount not to exceed \$17,431 from the Waste Fund for closure reporting services for the Zion Municipal Landfill. The vote on roll call was: Commissioners Bennett, aye; Flammini, aye; DeTienne, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried.

### **WATER MAIN RELOCATION/GREEN BAY ROAD**

A memo (05-DOC-101) was received from Brian Usher, regarding the relocation of the water main on Green Bay Road north of 21<sup>st</sup> Street. Mr. Usher stated that the ditchline in this area has been regraded by the state, and vehicles driving across the ditch could cause damage to the water main. Mr. Usher recommended waiving bids and contracting with Campanella and Sons for the relocation of this water main at a cost not to exceed \$33,500. Costs would be paid from the Water Fund.

It was moved by Commissioner Taylor, seconded by Commissioner Bennett to grant permission to waive bids and contract with Campanella and Sons, Inc. for the relocation of the water main on Green Bay Road north of 21<sup>st</sup> Street at a cost not to exceed \$33,500 from the Water Fund. The vote on roll call was: Commissioners Bennett, aye; Flammini, aye; DeTienne, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried.

**PARKING AREA/1200 BLOCK OF 27<sup>TH</sup> STREET**

A memo (05-DOC-102) was received from Brian Usher, requesting approval for the paving of the parking area south of the 1200 block of 27<sup>th</sup> Street and west of the alley. T. Wallace Blacktopping submitted a quote for this work at a cost not to exceed \$1,950.

It was moved by Commissioner Taylor, seconded by Commissioner Flammini to grant permission to waive bids and authorize the paving of the parking area south of the 1200 block of 27<sup>th</sup> Street and west of the alley, by T. Wallace Blacktopping at a cost not to exceed \$1,950. The vote on roll call was: Commissioners Bennett, aye; Flammini, aye; DeTienne, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried.

**TAB OF BIDS/2005 MFT STREET MAINTENANCE PROGRAM**

A Tabulation of Bids (05-DOC-103) was received from Brian Usher for the 2005 MFT Street Maintenance Program. Mr. Usher recommended awarding the contract to the lowest responsible and responsive bidder, Peter Baker & Son, in the amount of \$695,082.38.

It was moved by Commissioner Taylor, seconded by Commissioner Bennett to award the contract for the 2005 MFT Street Maintenance Program to Peter Baker & Son in the amount of \$695,082.38. The vote on roll call was: Commissioners Bennett, aye; Flammini, aye; DeTienne, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried.

**ANIMAL CONTROL FACILITY/HVAC REPAIRS**

A memo (05-DOC-104) was received from Chief Malcolm, requesting permission to waive bids and authorize the repair of the HVAC system at the Animal Control Facility with McDonough Mechanical Services. The cooling and heating system in this building needs to be replaced, and McDonough is the approved vendor for the Police Department. McDonough submitted a quote in the amount of \$5,234 for this work, and Hucker Electric would complete the electrical work on the project for \$3,600. Funding is available through the Capital Outlay account.

It was moved by Commissioner DeTienne, seconded by Commissioner Bennett to grant permission to waive bids and authorize the repair of the HVAC system at the Animal Control Facility by McDonough Mechanical Services in an amount not to exceed \$5,234 and Hucker Electric in an amount not to exceed \$3,600. The vote on roll call was: Commissioners Bennett, aye; Flammini, aye; DeTienne, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried.

**REZONING/9<sup>TH</sup> STREET & KENOSHA ROAD**

The Council previously considered a request for a zoning change from Residential (R30) to Highway Business (HB) for property at the southwest corner of 9<sup>th</sup> Street and Kenosha Road. Based on the previous discussion, the property owner has designed a more traditional complex with the storefronts facing 9<sup>th</sup> Street. This commercial development will contain retail and professional service offices.

It was moved by Commissioner DeTienne, seconded by Commissioner Flammini to approve rezoning the southwest corner of 9<sup>th</sup> Street and Kenosha Road from Residential (R30) to Highway Business (HB), and for an ordinance to be prepared accordingly. The vote on roll call was: Commissioners Bennett, aye; Flammini, aye; DeTienne, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried.

**FIRE AND POLICE COMMISSION**

Mayor Harrison recommended the appointment of Todd Gordon, Sr. to fill the vacancy in the Fire and Police Commission.

It was moved by Commissioner DeTienne, seconded by Commissioner Taylor to approve the appointment of Todd Gordon, Sr. to the Fire and Police Commission. The vote on roll call was: Commissioners Bennett, aye; Flammini, aye; DeTienne, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried.

**ANNOUNCEMENTS**

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| July 21   | Farmers Market – every Thursday through October 13 |
| August 2  | City Council Meeting                               |
| August 16 | Township Board Meeting                             |

**CLOSED SESSION**

It was moved by Commissioner DeTienne, seconded by Commissioner Flammini that the Council recess to Closed Session at 8:30 p.m. to discuss personnel, purchase and sale of real estate, and probable and pending litigation. The vote on roll call was: Commissioners Bennett, aye; Flammini, aye; DeTienne, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried.

It was moved by Commissioner Flammini, seconded by Commissioner Bennett to reconvene the Regular Council meeting at 9:51 p.m. with all members present. The vote on roll call was: Commissioners Bennett, aye; Flammini, aye; DeTienne, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried.

**WATER TOWER LEASE**

Mayor Harrison stated the Council discussed an agreement for a third party use of the City water tower located on 9<sup>th</sup> Street. This agreement has been fully reviewed by staff and city attorney.

It was moved by Commissioner Bennett, seconded by Commissioner Flammini to approve the Water Tower Lease Agreement with U.S. Cellular. The vote on roll call was: Commissioners Bennett, aye; Flammini, aye; DeTienne, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried.

It was moved by Commissioner Flammini, seconded by Commissioner Bennett to approve the engineering proposal with Baxter and Woodman Consulting Engineers for the review of plans for the lease of the City water tower. The vote on roll call was: Commissioners Bennett, aye; Flammini, aye; DeTienne, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried.

**PART-TIME SEASONAL POSITIONS**

Mayor Harrison stated various options have been presented regarding part-time seasonal drivers for the Beeline Trolley, and further research is needed prior to providing this community service.

Delaine Rogers requested hiring a part-time seasonal intern for Economic Development, as previously discussed and approved in the budget.

It was moved by Commissioner Taylor, seconded by Commissioner Flammini to authorize Delaine Rogers to proceed with pursuing options for trolley drivers for the Beeline Trolley, and to post and advertise for a part-time seasonal intern for Economic Development. The vote on roll call was: Commissioners Bennett, aye; Flammini, aye; DeTienne, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried.



7/19/05

**ADJOURN**

There being no further business to come before the Council at this time, it was moved by Commissioner DeTienne, seconded by Commissioner Flammini and unanimously approved the meeting be adjourned at 10:03 p.m. Motion carried.

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City Clerk

Approved August 2, 2005