

MINUTES OF A REGULAR MEETING OF THE ZION CITY COUNCIL HELD ON TUESDAY, APRIL 18, 2017, AT 7:07 P.M. IN THE CITY COUNCIL CHAMBERS, CITY HALL, 2828 SHERIDAN ROAD, ZION, ILLINOIS

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Mayor Hill called the meeting to order.

On call of the roll the following answered present: Commissioners McDowell, Frierson and Mayor Hill. Commissioners McKinney and DeTienne were absent. A quorum was present.

Also present: Police Chief Steve Dumyahn, Fire/Rescue Chief John Lewis, Public Works Director Ron Colangelo, Accounts/Finance Director David Knabel, Building & Zoning Director Richard Ianson and City Attorney Paula Randall.

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

AGENDA CHANGES

It was moved by Commissioner McDowell, seconded by Commissioner Frierson to accept the City Council meeting agenda with the following change:

- Item 7b – Change the term “variance” to “deviation” to conform with the proposed ordinance per Attorney Randall

The vote on roll call was: Commissioners McDowell, aye; Frierson, aye; and Mayor Hill, aye. Motion carried.

CITIZEN COMMENTS

Morgan Battley, Zion, stated that the City adopted Community of Character slogans which are displayed throughout the City. He stated that he is concerned about the City and the other taxing bodies working together. He proposed that the City make a collaborative effort to include the taxing bodies when conducting any business that affects them. He stated that any governing body should make public information readily available either on the website or by providing copies on site. He proposed that for any City meeting that affects other taxing bodies, the taxing bodies should be invited to the table during decision making. Mr. Battley used the TIF District distribution as an example of taxing bodies being excluded. He stated that the taxing bodies should receive funds from the TIF District. Mayor Hill stated that the City and the other taxing bodies have a joint group in place and are working together. He stated that the group, comprised of two or three representatives from each taxing body, came together initially to focus on lowering taxes. He stated that the group has discussed joint purchasing and sharing services. He stated that the group’s focus has since shifted to seeking reimbursement for the storage of spent nuclear fuel rods on the City’s lakefront. Mayor Hill stated that taxing body representatives communicate on a regular basis. Mayor Hill explained how disbursements from the TIF District work and that the other taxing bodies receive disbursements. Mr. Battley asked why Zion Elementary School District No. 6 did not receive tax dollars from the Walmart project. Mayor Hill stated that Walmart is located outside the District No. 6 school district making them ineligible for funds.

Michael Stewart, Zion, requested transparency and openness regarding the proposed TIF District #4 project. He stated that he requested information regarding the layout and legal opinion. He stated that three addendums were omitted from the information he received. He stated that he believes that the remodel of the Jewel Food Store is an inappropriate action for the TIF District. He asked why the City would use TIF funds for the benefit of a private company. He stated that there have not been many new businesses brought to Zion in the 23 years of TIF District #1. Mayor Hill stated that funds will be distributed to the taxing bodies. He stated that \$2.4 million per year has been brought in since the TIF District opened. He stated that \$1.75 million will go to the schools that they would not have gotten prior to the TIF. Mayor Hill stated that the City would not do a project unless the City receives more funds than it puts out for the project. He stated that the City can’t bring in businesses without incentives due to the high tax rate.

CONSENT AGENDA

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

- (a) **APPROVAL OF MINUTES:** a Regular Meeting held on April 4, 2017 at 7:00 p.m.; and approval but not release of Closed Session Minutes of a meeting held on April 4, 2017 at 8:03 p.m.
- (a) **BILLS:** Vouchers 126117 through 126259 drawn on First Merit Bank, Total: \$733,978.08

Approved by omnibus vote as follows: The vote on roll call was: Commissioners McDowell, aye; Frierson, aye; and Mayor Hill, aye. Motion carried.

ORDINANCE/TAXABLE REFUNDING DEBT CERTIFICATES SERIES 2017

It was moved by Commissioner McDowell, seconded by Commissioner Frierson, that an Ordinance (17-O-24) be passed “Authorizing and providing for the issue of not to exceed \$3,700,000 Taxable Refunding Debt Certificates, Series 2017, evidencing the rights to payment under an Installment Purchase Agreement, for the purpose of refunding certain outstanding debt certificates of said City, and providing for the security for and means of payment under said Installment Purchase Agreement of said Certificates.” Director Knabel stated that these bonds were issued so the City could purchase the former ballfield property in order to relieve the City of the \$250,000 annual tax payments and to allow the City to be able to develop the property. He stated that the five-year agreement included a balloon payment in 2020. He stated that the City is pursuing refinancing to avoid the balloon payment and take advantage of lower rates. The vote on roll call was: Commissioners McDowell, aye; Frierson, aye; and Mayor Hill, aye. Motion carried. Ordinance passed.

ORDINANCE/MUNICIPAL CODE DEVIATION/2800 29TH STREET

A memo (17-DOC-35) was received from Chief Lewis requesting a deviation from Zion Municipal Code Section 34-43, 903.8 that requires an outside access door to a sprinkler riser room with appropriate labeling on the door in a minimum of four (4) inch letters for property at 2800 29th Street. He stated that Zion Elementary School District No. 6 has purchased the property for use as their new administration center. He stated that the School District intends to construct a new maintenance/technology center on the rear portion of the site. He stated that, through the Fire Department’s plan review process, it was determined that the existing structure and the proposed structure did not conform to this Code section. Chief Lewis stated that the District’s architect requested a deviation from the Zion Municipal Code requirement. He stated that the location of the sprinkler room is adjacent to an exterior door and the architect has agreed to provide the required signage on both the exterior door and sprinkler room door for easy identification. Chief Lewis stated that he, as Fire Marshal, supports the request for the code deviation based on the location of the exterior doors and the sprinkler room itself.

It was moved by Commissioner McDowell, seconded by Commissioner Frierson that an Ordinance (17-O-25) be passed granting a deviation from Zion Municipal Code Section 34-43, 903.8 to allow the sprinkler room door’s proximity to the exterior door to suffice provided that the required signage is installed on both the exterior door and the sprinkler room door for property at 2800 29th Street. The vote on roll call was: Commissioners McDowell, aye; Frierson, aye; and Mayor Hill, aye. Motion carried. Ordinance passed.

ORDINANCE/EXTENSION OF LICENSE SECOND AMENDMENT AGREEMENT/B.C. AUTOMOTIVE

It was moved by Commissioner McDowell, seconded by Commissioner Frierson that an Ordinance (17-O-26) be passed authorizing execution of an extension of the License Second Amendment Agreement with B.C. Automotive for license renewal for 2809 Damascus Avenue with an end date of April 30, 2022. The vote on roll call was: Commissioners McDowell, aye; Frierson, aye; and Mayor Hill, aye. Motion carried. Ordinance passed.

ORDINANCE/RENEWAL OF AGGREGATION PROGRAM FOR ELECTRICAL LOAD

A memo (17-DOC-36) was received from Clerk Burkemper requesting that the City Council consider an ordinance authorizing the renewal of the City's residential electric aggregation program and approve electric bids. On March 21, 2017, the City Council took action (Ordinance 17-O-21) to continue to engage NIMEC as the City's energy consultant. The City's current agreement with Constellation Energy Services, at a rate of 6.65¢ per kWh, expires in July 2017. She stated that key features of the Municipal Aggregation Program are:

- All residents are informed (via postal mail, paid for by the supplier) of the new rate and terms prior to the rate change. There are no hard costs to the City to establish a program.
- Any resident may opt out at any time, and will never incur a termination fee.
- There are no additional monthly fees, nor a variable floating rate.
- It offers fixed price certainty versus the ComEd default rate (set by an Illinois State Agency), which adjusts monthly.
- Ratepayers may save money vs. the ComEd rate. A City program rate provides a benchmark against individual offers.

Clerk Burkemper stated that the City's aggregation consultant, NIMEC, conducted a bid process on April 18 and will provide the results for the Council's consideration. She stated that electric pricing is a commodity, so pricing is only good for 24 hours. She stated that NIMEC will provide pricing for various term options, from 12 months to 36 months. She stated that renewals take 70-80 days to implement, once a bid process determines a new supplier.

Sharon Durling, representative of NIMEC (Northern Illinois Municipal Electric Collaborative) stated that the ComEd rate was introduced early which is an advantage when going to market. She stated that ComEd's new rate is 7.185 cents per kWh which is in the higher range. Ms. Durling presented the bid results which included five capable electricity suppliers. She stated that the bid of MC Squared for a 12-month term at 6.590 cents per kWh was the lowest bid. She stated that Zion has received the lowest bid of a number of communities due to the City's timing of electricity usage and the City having an attractive profile. She stated that this low bid will be a definite benefit to Zion residents. She stated that the City does not want to incur "pass through charges" so she recommended a 12-month term due to the fact that, for terms longer than 12 months, MC Squared would impose pass through charges. Commissioner Frierson asked if there were time constraints on accepting this bid. Ms. Durling stated the bids were "live" and were only valid for 24 hours. She stated that a contract must be signed on April 19, 2017. Mayor Hill asked if there would be repercussions during the next bidding process if the City chose the 12-month term. Ms. Durling stated there would be no repercussions.

It was moved by Commissioner McDowell, seconded by Commissioner Frierson, that an Ordinance (17-O-27) be passed to renew the municipal electrical aggregation program in the City of Zion, accept the bid of MC Squared at the rate of 6.590 cents per kWh for a 12-month term, and authorize entering into a contract with MC Squared as the City's new electric supplier. The vote on roll call was: Commissioners McDowell, aye; Frierson, aye; and Mayor Hill, aye. Motion carried. Ordinance passed.

TABULATION OF BIDS/ANNUAL FUEL, BITUMINOUS & CONSTRUCTION MATERIALS

A Tabulation of Bids (17-DOC-37) was received from Director Colangelo regarding the annual purchase of fuel, bituminous and construction materials for the 2017/18 fiscal year. Director Colangelo recommended awarding contracts to the lowest responsible and responsive bidders as follows:

Feece Oil	Summer Diesel, Winter Blend, HD #30W Motor Oil, 2 cyle oil, Dex Cool Anti-Freeze/Coolant
Midtown	SAE #10W 30 Motor Oil, Automatic Transmission Fluid, Permanent type anti-freeze, All purpose grease,
Avalon Oil	Hydraulic fluid, SAE#5 W 40 Motor Oil, 90 W Gear Lube
Peter Baker	Cold-Patch, Hot Mix Surface, UPM Cold Patch

Payne & Dolan	Cold patch, Hot Mix Binder
Thelen	Pulverized top soil, #7 Road Gravel, TB Sand Backfill, Seal Coat Aggregate, #8 Washed Stone, ¾ inch chips
Kirschhoffer Trucking	CA-6 Crushed White Limestone
No bids received	Emulsified Asphalt

It was moved by Commissioner Frierson, seconded by Commissioner McDowell to award contracts for various fuels, bituminous and construction materials, as recommended. The vote on roll call was: Commissioners McDowell, aye; Frierson, aye; and Mayor Hill, aye. Motion carried.

APPOINTMENT/CODE ADMINISTRATOR

A memo (17-DOC-38) was received from Attorney Randall stating that in 2012, the City Council approved the re-establishment of the Administrative Code Hearing Department. She stated that at that time, the Council discussed appointing a Code Administrator, but never took action. She stated that, the City Attorneys are recommending that the City Council appoint a Code Administrator retroactive to the re-establishment date. Attorney Randall stated that, should the City Council approve the appointment of a Code Administrator, the following would be endorsed:

- Inasmuch as it was and has been the intention of the Mayor and City Council that Richard Ianson be appointed by the Mayor, with Council approval, as Code Administrator for the City of Zion, and
- Inasmuch as it is the duty of the Director of Building under Section 10.2 of the Zion Code of Ordinances to see to the enforcement of all ordinance provisions relating to building and zoning, and
- Inasmuch as he has been performing the duties and responsibilities of the Code Administrator since his appointment to the position of Director of Building on February 21, 2011, Richard Ianson is hereby appointed to the position of Code Administrator, within the meaning of Section 3.5 of the Zion Code of Ordinances, with such appointment to be retroactive to February 14, 2012, and
- In making this appointment, it is the Council’s intention that Richard Ianson be empowered, in keeping with his practice, to delegate such duties and functions to other officials and staff members, including members of the Police Department, as may be necessary and appropriate to carry out the purposes of Chapter 3 of the Zion Code of Ordinances.

It was moved by Commissioner Frierson, seconded by Commissioner McDowell to appoint Richard Ianson as Code Administrator, within the meaning of Section 3.5 of the Zion Code of Ordinances, retroactive to February 14, 2012. The vote on roll call was: Commissioners McDowell, aye; Frierson, aye; and Mayor Hill, aye. Motion carried.

DEPARTMENTAL COMMENTARY

Director Knabel stated that vehicle stickers expire on April 30, 2017. He recommended that residents purchase stickers early to avoid long lines.

ANNOUNCEMENTS

May 2	7:00 p.m.	Zion City Council Meeting and Swearing-in Ceremony
May 16	6:30 p.m. 7:00 p.m.	Zion Township Board Meeting Zion City Council Meeting

CLOSED SESSION

It was moved by Commissioner Frierson, seconded by Commissioner McDowell that the Council recess to Closed Session at 7:55 p.m., pursuant to 5 ILCS 120/2 "Open Meetings", for the discussion of personnel, collective bargaining, and pending litigation. The vote on roll call was: Commissioners McDowell, aye; Frierson, aye; and Mayor Hill, aye. Motion carried.

It was moved by Commissioner McDowell, seconded by Commissioner Frierson to reconvene the Regular Council meeting at 8:40 p.m. with all members present. The vote on roll call was: Commissioners McDowell, aye; Frierson, aye; and Mayor Hill, aye. Motion carried.

ADJOURN

There being no further business to come before the Council at this time, it was moved by Commissioner Frierson, seconded by Commissioner McDowell and unanimously approved the meeting be adjourned at 8:40 p.m. Motion carried.

City Clerk

Approved May 2, 2017